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POINT REYES LIGHT



Davi Brigg TOMALE BAY Richard

James has been collecting debris from oyster operations, along with other trash, on Tomales Bay for two years. State and federal agencies are now taking notice.

By
Samantha Kimmey
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From his old silver Prius parked on the side of Highway One, Richard James pulls out oyster-growing gear he has collected from Tomales Bay in recent months: heaps of zip ties, chunks of rope, coated copper wire and a bag of blue gloves. There is a perfectly intact oyster-growing bag made of blue, hardy plastic mesh and topped with foam blocks. There are also shreds of mesh and ravaged pieces of foam.

"This is what this stuff turns into," he said. "And all these bits [of foam]...birds think it's food, and they peck the heck out of this stuff."

Mr. James is on a mission: to document trash—particularly the gear he finds from oyster operations in Tomales Bay, with the hope that it will affect a change in the way some do business. He posts photographs and videos of the debris to his blog, *The Coastodian*. He said he has found thousands of zip ties and hundreds of bags, often deeply submerged in the mudflats or embedded in saltgrass or pickleweed, and much of it comes from Tomales Bay Oyster Company.

State and federal agencies are taking notice of his work. The oyster company was fined by the enforcement arm of the National Oceanographic and Atmospheric Administration for what was deemed an illegal structure in Tomales Bay, near the mouth of Walker Creek. Last month, the Gulf of the Farallones National Marine Sanctuary issued the company a permit to remove it. The company's majority owner, Tod Friend, said that the California Department of Fish and Wildlife separately told him to stop erecting makeshift fences before storms around the same area.

The Fish and Game Commission, which issues the oyster-growing leases in the bay, is also tapping into the issue. Sonke Mastrup, the executive director of the commission, said changes could include new regulations and increased inspection and enforcement. "Who knows where this is gonna go?" Mr. Mastrup said. "But I can guarantee that it will not be what it is now. It will change."

The Coastodian

Mr. James is an animated, verbose 52-year-old who moved to West Marin from the South Bay, where he was born, about seven years ago. He developed a love for the area after volunteering to count salmon; eventually, the tolls across the Golden Gate Bridge added up, and he realized he'd rather live here.

He hates plastic with a passion. He cited a recent study published in *Science* magazine, which estimated that between four and 12 billion tons of plastic enter the oceans every year. (The United States ranks 20th in the amount of plastic it contributes, though it also exports a lot of its plastic to China, which ranks first.)

About five years ago, he started collecting trash—mostly water bottles—littering the beaches of the Point Reyes National Seashore. He turned them into an art project, making huge bottles filled with trash. Then he started documenting debris he found in Drakes Estero, including growing tubes he saw on the bottoms, which he documented in underwater videos.

His ventures into Tomales Bay began about two years ago, during a harbor seal pupping season closure in the estero. Recreational kayaking is banned from March to June, but he wanted to kayak, so he set off from Chicken Ranch Beach one day. He started picking up trash—including many zip ties—along the beach and mudflats of a lease run by Tomales Bay Oyster Company in Marshall, a few hundred yards from the picnic area where it sells retail oysters.

He found 50 to 200 zip ties a day back then, he said: "They drop them; it is maddening." One day, he said, he found 406.

Mr. James spends 10 to 15 hours a week picking up trash around the bay, photographing it and posting to his blog. It is not all oyster gear. He has found tires, a six-cylinder engine and a toaster. But the oyster gear bothers him, he says, because an oyster grower profits from using the bay. "These guys make their living off Tomales Bay and they treat it like this, and to me, that's just criminal."

He sometimes posts images of the lease areas from Google Earth, using red arrows to point to spots he has stored bags of trash he collects, so that growers can pick them up.

The blog posts about Tomales Bay—all under the call to "Save Our Tomales Bay"—largely focus on Tomales Bay Oyster Company. He objects to explanations that some of the gear, particularly the rusted P.V.C. pipes he finds sticking out of the mud, come from a predecessor. He says a lessee who inherits a mess is responsible for cleaning it up. He admits, however, that the focus on T.B.O.C. is partly due to one of its leases being close by and easy to patrol.

Mr. Friend, who lives in Oakland, has been the majority owner of Tomales Bay Oyster Company—the oldest continually operating oyster company in the state—since 2009. He employs about 15 workers. He used to own *The Marshall Store*, but has since passed it to his son, Shannon, and daughter, Heidi.

Mr. Friend can be seen selling bags of oysters on packed weekends at the farm's wildly popular retail outpost, where valets park cars for tourists along Highway One. He has worked in Tomales Bay for over 20 years—as an employee at Hog Island Oyster Company and, later, wholesaling to Hog Island and T.B.O.C. when he finally secured his own lease in 2000. He loves oysters and the bay, he said, and he doesn't want to harm the public space.

He says he is grateful for Mr. James's work. Kind of. "He inspires us to clean up after ourselves more than we have," he said. "He's helped us to be motivated."

He admits that crews sometimes leave P.V.C. pipes on mudflats in case they need them, and that bags do manage to get away. Recently, Mr. James found about 50 bags. "Well, that's quite a few bags," Mr. Friend said.

Terry Sawyer, a co-owner of nearby Hog Island Oyster Company, also describes Mr. James's work as a service, but he fears the blog gives the impression that all oyster growers are equal. Hog Island, for instance, uses steel clips instead of zip ties, he said. "There is a tendency to lump everyone in the same category. I would say there's good players and not-so-good players."

Mr. Friend now makes his crew show him zip ties when they come in, to ensure they are not dropped into the bay. He also started paying Mr. James \$5 for every zip tie he finds. ("I'm probably his number one contributor," he said.)

Mr. James has given him some credit; a blog post last year, for example, documented T.B.O.C.'s workers and Mr. Friend pulling up thousands of P.V.C. pipes left by a predecessor.

And these days, the trash is a bit less. Instead of filling a garbage bag in a day, Mr. James might fill two five-pound coffee bean bags, and he believes Mr. Friend's operation has improved. But whereas Mr. Friend feels he's not given quite enough credit for his improvements, Mr. James believes he still finds too much gear on his trips.

"It's a fairness issue. This is an emotional thing for me," Mr. Friend said.

Mr. James acknowledges that growing oysters is hard work. But, he asks, what is an acceptable number of bags to lose? "Well, I don't know," he said. "Is one too many? Is 10? Is 100? Is 1,000? What's too many? But I find a lot of bags, and it's like, why do I find them? Why don't [they] find them?"

Lately Mr. James has been traveling to leases in the northern area of the bay, where Mr. Friend, Mr. Sawyer and two other companies have leases. Earlier this month, he posted pictures of almost 50 lost or abandoned bags he found in the mudflats of a lease owned by Point Reyes Oyster Company. "One sees pickleweed or saltgrass growing through the bag, holding it tightly in place, where, if it were not for me to yank it out of the vegetation, it would likely become part of the environment forever," he posted.

Martin Strain, the owner of the company, did not respond to a voicemail left on Tuesday.

Walker Creek dike

During one of Mr. James's recent trips to the northern area of Tomales Bay, he came across what he says were hundreds of bags, and a makeshift fence of P.V.C. pipe and mesh plastic. He calls it a dike, since it appeared to be altering the flow of Walker Creek as it entered the bay. He emailed the marine sanctuary and asked if it was legal. It wasn't.

(Max Delaney, the sanctuary's permit coordinator, said he had received a few other complaints, too.)

The structure was built by Tomales Bay Oyster Company. Mr. Friend said he did not realize he needed a permit for the pipes and oyster bags he installed near Walker Creek to prevent mud from covering his oysters when it flows downstream during storms. He said he has erected fences intermittently for a decade or so.

Last December, Mr. Friend put up a fence right before a big storm. Fish and Wildlife later told him he could not erect such fences in the bay, and he took it down. But he still had hundreds, and perhaps over a thousand, oyster bags in the area, and some fencing.

Though the bags were originally installed to prevent storm mud from burying his oysters, he had the idea a few years ago of repurposing them as a kind of "reef" for the repopulation of native Olympia oysters—"olies," as he affectionately calls them. He had no plans to profit off the idea, he said: "This is not a commercial endeavor at all. I've got a fondness for the olies... It's a sentimental feeling."

He was since fined by NOAA's enforcement office for building an unpermitted structure in the bay. Last month, the sanctuary issued the company a permit to remove it. That work has begun, but it is slow going; the crew can only work during low tides.

Mr. Friend said he has been trying to acquire Olympia seed for about two years, but only received it last week. He is now storing it in the hopes that he can acquire a permit to conduct some version of his project, though he says it might be a pipe dream.

"It's been a pet project, but not getting a permit was the mistake," he said. "I guess it was woeful ignorance.

Fish and Game Commission

Mr. James's blog, and his outreach to regulators, is shaping up to have a long-term impact on oyster growers. Though the marine sanctuary doesn't have direct authority over aquaculture leases, the Fish and Game Commission does, and it plans to address the debris issue.

Mr. Mastrup, the executive director of the commission, said Mr. James has drawn their attention to the issue of gear left in the bay. "There's no doubt he's had influence on that," he said.

Now is a particularly relevant time to evaluate commercial oyster growing in Tomales Bay, he added. A new push by the aquaculture industry to expand acreage in California as part of the California Shellfish Initiative—an effort to bring growers, regulators and nonprofits together to protect and expand aquaculture—makes an examination of oyster growing timely. "Whenever you get change starting in an industry, it makes you step back and say, 'Where are we, and where are we likely to go, and do we have a handle on it?'" Mr. Mastrup said.

Next month, at a regular meeting in Santa Rosa, commission staff will present on the issue of debris in Tomales Bay, and ask commissioners for guidance on how to move forward. It's likely to be a long process, but one that could eventually mean new, or clearer, regulations. For instance, Mr. Mastrup noted that growers are required to clean up after storm events that inevitably shake equipment loose, but there isn't a clear timeline.

On the other hand, Mr. Mastrup said, littering in the bay is already prohibited. "If you're snipping zip ties and dropping them in the bay, that's illegal."

The commission could require more enforcement or inspection of leases for debris. But that work won't be free, and it's possible oyster growers would have to pay for it in some way.

Mr. Sawyer opposed the idea of new regulations, noting that oyster growing is already an expensive and heavily permitted business that operates under myriad health regulations and agencies. "You want to incentivize people and create good will," he said.

Mr. James, for his part, wants to see growers use gear less susceptible to getting loose. He also wants more monitoring—or, at least, a version of himself at

each oyster company, to monitor and pick up gear regularly. It could be a rotating position between different employees, he said, because no one wants to be on trash duty all the time. Except, perhaps, Mr. James.

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