Documents: Romberg’s conflicts with salmon institute pre-date new director

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BROOKE HALSEY dates his troubles at the Romberg Tiburon Center for Environmental Studies to 2014, when current director Karina Nielsen arrived. But long before Halsey went head to head with Nielsen, her predecessor, Newell “Toby” Garfield, recognized the need to regulate the Tiburon Salmon Institute for safety and liability reasons.

According to emails acquired by The Ark as part of a California Public Records Act request, as early as 2010 Garfield told his colleagues at San Francisco State University, which operates Romberg, that “the (Tiburon Salmon Institute) gang is out of control” and was taking unacceptable safety risks with children that could make the university liable in a lawsuit.

“The way they are going now, I’m ready to boot (them) off the property,” Garfield wrote. “I like their mission, but can’t accommodate groups that won’t play by the rules.”

The emails suggest relations between Romberg and the salmon institute began to sour in 2008 — just a year after the university took ownership of the property — when Garfield had concerns that Halsey had sunk six temporary pilings to hold his fish pens without obtaining permits required by the San Francisco Bay Conservation and Development Commission.

In the emails, Halsey asked Garfield to “keep it low key” if he spoke to the commission and said that if there was any trouble from the agency, “Jared” — presumably U.S. Rep. Jared Huffman — would intervene. Halsey later refers to the pier as the “Jared Huffman Deep Water Research Pier.”

Garfield also makes it clear that no one from Romberg was to use the pens as floating docks until a lease is in place because of liability issues, leading to months of back and forth between Halsey and Romberg officials about getting a lease drawn up.

Things flared up again in 2009 when Garfield discovered that Halsey intended to use Building 86 as an educational and interpretive center and began moving thousands of aquarium tanks and other equipment in July 2010. “If there was a claim there would have been a violation of the terms of the lease,” Garfield told Romberg officials that any use beyond simple storage was a violation of the terms of the lease.

Garfield told Romberg officials that he carried $2 million in insurance for the program and offered to sign a liability waiver absolving NOAA and the university, but Romberg officials worried that because the institute was an unaffiliated non-profit without a valid lease, his insurance would not cover the university.

“Without a lease, (a memorandum of understanding) or other agreement that includes a scope, any insurance policy does not have value,” Mayo wrote Garfield in July 2010. “If there was a claim there could be an insurance war.”

Romberg staff considered a cease-and-desist order against the salmon institute until the safety concerns could be worked out.

Starting in mid-2009, several versions of a lease were drawn up — the first, submitted by Halsey, was rejected immediately by the university, while subsequent standard leases offered by the university were heavily amended by Halsey. Then as now, he insisted on a long-term lease in which he paid little to no rent.

Halsey says he signed and submitted a lease agreement in 2010 and believed he would have back from university officials, but never did. According to one government official, it had been determined the issue fell under federal jurisdiction because NOAA had made the agreement with Halsey.

The matter was handed over to NOAA, which did not pursue it further.

For the next four years it was back to business as usual for the salmon institute, and the safety and insurance issues were shelved.