

Tiburon Salmon Institute ordered to leave Romberg by September

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The Tiburon Salmon Institute, the salmon-rearing and education program behind the popular annual Kiss & Release event at Blackie's Pasture, is looking for a new home after talks broke down between its director, Brooke Halsey, and San Francisco State University.

Halsey says he is seeking a new venue for his salmon education program after officials refused to offer him a long-term lease for the warehouse he currently occupies at the university-operated Romberg Tiburon Center for Environmental Studies, the marine biology research station off Paradise Drive. The university has given him until next September to leave the property and will not allow him to release salmon or use the warehouse for anything but storage.

Halsey said he is throwing in the towel after months of rancorous negotiations with the university, a conflict that eventually reached the halls of state government.

"Why would you stay where you are not wanted?" Halsey said in an interview. "It's just so inhospitable."

He said the community is the loser.

"This could have been a win-win for the community, for the state (university) and for TSI," Halsey said. "It was all possible, but that wasn't their agenda."

Halsey said he is hoping to find another bayside site for his programs but has nothing solid yet.

"If we can't find a new home, we're just going to pull the plug on it," he said.

The university sent its first cease-and-desist notice on Jan. 12, then followed that with the eviction notice on May 26. Halsey was to be gone by July 1.

While Romberg's new director, Karina Nielsen, accused Halsey of running a "rogue program" that did not follow safety rules, have proper permits or a formal agreement to operate on the site, Halsey claimed that Nielsen had a vendetta against him. He mounted an aggressive public relations campaign, enlisting the help of U.S. Rep. Jared Huffman, D-San Rafael, a friend and longtime backer, to fight the order. By June, the flap had made its way to the top levels of state government, with Lt. Gov. Gavin Newsom, who grew up in Marin, and Charles Bonham, director of the state's Department of Fish and Wildlife, joining the chorus of elected officials supporting Halsey's program and urging the president of San Francisco State to reconsider.

Talks were extended and the eviction or-

dered delayed.

As negotiations continued through summer, there were signs that a deal was in the works, but last week the university released a statement that talks between the parties had broken down and that Halsey would need to leave the property in a year.

"San Francisco State and the Tiburon Salmon Institute were unable to reach agreement regarding the continuation of TSI's activities on the Romberg Tiburon Center property," said a spokesman for the university in a prepared statement. "Therefore, the university has informed TSI that they will have until September 5, 2016, to relocate the program."

Robert Nava, vice president for University Advancement at San Francisco State, said the talks dissolved over issues of rent and the length of the lease. Halsey has been occupying the property rent-free and wanted to continue with little to no rent, he said.

Nava said university officials were "disappointed" that negotiations had broken down but that everyone involved had made "our very best effort" to come to an agreement with Halsey.

"It was very clear that the parties were negotiating in good faith," he said.

But Huffman, whose office and staff were involved in the negotiations, lashed out against the university, calling Nielsen and university administrators "conniving and dishonest."

In a phone interview from Washington, D.C., Huffman accused university officials of pretending to negotiate in good faith until the media uproar had died away and then pulling the rug out from under Halsey.

"There's no doubt that that this was a deliberate stalling technique and that they were not negotiating in good faith," he said.

Huffman urged Marin residents to ignore appeals for funding for the marine biology station, calling it a "Hollywood storefront" without an "authentic commitment to Marin."

"I think Marin residents should keep their checkbooks in their pockets until San Francisco State makes some changes," he said.

Nava would not comment on Huffman's remarks, only saying: "We deeply appreciate the philanthropic support the university receives from Marin."

Nielsen said she was "saddened" by Huffman's remarks.

"I'm sad for our own students who work so hard, our scientists who do such fabulous work and the community who don't get the facts when politicians get involved," she said.

While the issue drew a fiery response from Huffman and has been framed as sudden and unexpected, there has been a quiet conflict between the salmon institute and Romberg for years.

The salmon program was started 42 years ago by the San Francisco Tyee Club as a way to bolster fish stocks in the bay for sport and commercial fishermen. Halsey, a Tiburon lawyer, took over the program about a decade ago, rechristening it the Tiburon Salmon Institute and trying to refocus it on education and conservation.

For many years, the Tyee Club had a gentleman's agreement with National Oceanic and Atmospheric Administration, which owned the old U.S. Naval Net Depot at the site, allowing it to share part of a warehouse, Building 86, for free, according to Steve Lindley, director of the Fishery Ecology Division at NOAA's Santa Cruz laboratory.

In 2007, however, the federal government transferred ownership of the campus to San Francisco State University with NOAA retaining a license to store marine equipment in a warehouse there. Halsey has continued to operate his program rent-free in that warehouse under a deal with NOAA — but Romberg officials have long maintained the license is only for equipment storage and not for on-site activities.

While Huffman and Halsey now point to Nielsen, documents obtained by The Ark as part of a California Public Records Act request show Romberg and university officials have had concerns about the salmon institute and Romberg's liability since the beginning.

Emails starting in 2008 show that Romberg officials had wanted to work with Halsey to develop a lease. Former Romberg Director Newell "Toby" Garfield once called Halsey "out of control" and said a lease was necessary to hold him to certain safety standards, limit his activities on the site and ensure that the university was covered for any accidental injuries there.

By 2010, however, the two sides could not agree on terms, and it was eventually punted back to NOAA and left unresolved.

When Nielsen joined Romberg as its new director in August 2014, she too began to question the safety and legality of the salmon institute, saying the program has been operating in a "rogue fashion." She has voiced concerns that high school students on the docks working with nets weren't wearing life jackets. She has also objected to the lack of permits issued by the university to work with animals and those required

by the San Francisco Bay Conservation and Development Commission to place holding pens in the water off the Romberg site.

Halsey said he had applied for a permit from the bay commission but was rejected because he did not have a lease from San Francisco State. He accuses Nielsen of interfering with his salmon release operation, refusing to let him bring in a crane to take fish pens out of the water before winter storms or to release juvenile salmon off the dock last spring.

In public, Nielsen has denied that she felt the institute's mission was incompatible with the scientific mission of Romberg. But the documents obtained by The Ark's public-records request suggest that Nielsen was indeed uncomfortable with Halsey's program, which she calls "not good science."

"What TSI is doing with raising salmon in pens and releasing them into the bay is not consistent with NOAA policy. ... It works against restoring salmon populations," Nielsen wrote in a draft email to a colleague. "It's just modeling bad practices and telling kids they are helping conserve and restore wild salmon, when in fact they aren't. ... It's like telling kids unicorns and mermaids are real. It's not good science or good science outreach and education, in my opinion."

Huffman and Halsey have asserted that Romberg wants to evict the institute so that the university can rent out or sell some of the dilapidated buildings on the site. Huffman said he thought Halsey's presence was "inconvenient" for the university.

Last fall, just after Nielsen joined Romberg, the university hired a real estate agent to take the first steps toward marketing some buildings on the property to "potential companies who could lease the buildings, upgrade them with their funds and at lease expiration revert the improved asset back to the state," according to an Oct. 3 memo from Mark Goodrich, executive director of property management for San Francisco State. At the time, in fact, Nielsen herself had recommended Halsey as a potential candidate for such a lease.

The property was never formally put on the market, Nielsen said, but she admitted that the strategy is one the university is considering to help restore the aged warehouses on the site.

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