

National Park Service
U.S. Department of the Interior



Point Reyes National Seashore
California

Drakes Bay Oyster Company Special Use Permit Environmental Impact Statement

Point Reyes National Seashore

Public Comment Analysis Report

January 2011

[This page intentionally left blank.]

CONTENTS

CONTENTS	1
INTRODUCTION: WHAT IS PUBLIC SCOPING?	1
PUBLIC SCOPING FOR THE DRAKES BAY OYSTER COMPANY SPECIAL USE PERMIT EIS.....	1
DEFINITION OF TERMS	3
METHOD OF COMMENT ANALYSIS.....	3
HOW WILL MY COMMENTS BE USED?	4
GUIDE TO THIS REPORT	4
HOW DO I FIND MY CORRESPONDENCE?	5
HOW WAS MY CORRESPONDENCE CODED?.....	5
CONTENT ANALYSIS REPORT.....	6
CONCERN REPORT	10
APPENDIX A: CORRESPONDENCE ID BY AUTHOR REPORT	A-1
APPENDIX B: INDEX BY ORGANIZATION TYPE REPORT	B-1
APPENDIX C: INDEX BY CODE REPORT.....	C-1
APPENDIX D: CORRESPONDENCE LIST	D-1

[This page intentionally left blank.]

INTRODUCTION: WHAT IS PUBLIC SCOPING?

Public scoping is the process by which the National Park Service (NPS) solicits public input on the scope of issues and alternatives to be addressed in a National Environmental Policy Act (NEPA) document, such as an Environmental Impact Statement (EIS). It is a process open to the general public that is conducted early in the NEPA planning process. Public scoping can include meetings and mailings to educate the public on the project and on the planning process guiding the preparation of an EIS. It also instructs the public on how to provide their comments on the project. After the public scoping period ends, the NPS uses an established protocol to analyze and summarize the public comments received during the scoping period. This summary is used by the NPS—in addition to other relevant law, policy, planning documents, and scientific literature—to determine the scope of the EIS.

Point Reyes National Seashore held a public scoping period for the Drakes Bay Oyster Company Special Use Permit EIS from October 8, 2010 to November 26, 2010. During this time, three public scoping open house meetings were held at different locations in the vicinity of the park. The public was encouraged to submit comments through the NPS's Planning, Environment, and Public Comment (PEPC) web site (<<http://parkplanning.nps.gov/pore>>). Comments were also accepted at the meetings, by postal mail, and in person at the park. Additional detail is provided in the following section. Over 4,000 pieces of correspondence were received during the public scoping period for this EIS. This report describes the public scoping process for this document and presents the analysis and summary of public comments received.

PUBLIC SCOPING FOR THE DRAKES BAY OYSTER COMPANY SPECIAL USE PERMIT EIS

The public scoping period was open for a total of 50 days between October 8, 2010 and November 26, 2010. The NPS issued a press release to Bay Area news outlets on October 5, 2010 announcing the dates, times, and places of the public scoping meetings. The NPS opened the public comment period for initial scoping on October 8, 2010. On that date, the NPS sent a scoping letter to more than 500 interested individuals and organizations notifying of the opportunity to comment, and the NPS PEPC website (<<http://parkplanning.nps.gov/pore>>) was activated for the public to submit comments. On October 22, 2010, the Federal Register published the Notice of Intent to prepare an EIS, and set the closing date as November 22, 2010. On Saturday, November 20 the computer servers supporting the NPS PEPC web site were inadvertently shut down for approximately 18 hours in Fort Collins, CO. As a result, people were unable to access the site and provide comments during that time on all NPS projects open for public comment. In response, the comment period deadline was extended to November 26, 2010 to ensure that the public was provided with ample opportunity to submit their

comments. Three public scoping open houses were held during the comment period at the following locations:

- October 26, 2010: Dance Palace Community Center, Point Reyes Station, California
- October 27, 2010: Bay Model Visitor Center, Sausalito, California
- October 28, 2010: REI Berkeley, Berkeley, California

A total of 343 people attended the three meetings (206 people attended the meeting at Point Reyes Station, 73 attended the meeting in Sausalito, and 64 attended the meeting in Berkeley). Some people attended more than one meeting.

At each of these meetings, the NPS provided handouts which included information about the NEPA process, commonly asked questions, and information on how to comment, including directing comments to the NPS's PEPC website. This information was also displayed on boards around each meeting venue. Park staff was available to answer questions and provide additional information to open house participants. At least one Spanish interpreter was present at each meeting.

Attendees at these public meetings were able to provide comments both verbally and in writing. Flip charts were set up at each venue along with the informational boards. Verbal comments were captured in writing on these flip charts. Writing stations were also provided at each meeting where attendees could sit, write down their comments, and submit the form into a box provided. Attendees also were welcome to submit any written comments they had brought with them to these boxes. Comment forms could also be taken home and mailed in later.

During the scoping period, over 4,000 pieces of correspondence were entered into the PEPC system. The PEPC system serves as a database where the NPS can analyze and summarize public scoping comments. Interested parties were encouraged to enter their comments directly into PEPC. Hard copies received either at the public meetings, by postal mail, or in person at the park were entered into PEPC by NPS staff. Each flip chart was entered into PEPC as a single piece of correspondence. In other words, there are five pieces of correspondence from the first public meeting in Point Reyes Station that correspond to each of the flip charts that were distributed through the room. Three pieces of correspondence were associated with the three flip charts provided at each of the second two meetings in Sausalito and Berkeley, respectively. All correspondence is included in this public scoping summary in Appendix D.

Please note that 435 pieces of correspondence entered into PEPC were left blank in the correspondence field. The NPS contacted individuals with blank correspondence fields by email, if an email address was provided, indicating their correspondence field was blank and provided instructions on how to correctly leave a comment. Additionally, home addresses, email addresses, and phone numbers were redacted from all pieces of correspondence with a gray box to protect personal privacy.

DEFINITION OF TERMS

Primary terms used in the document are defined below.

Correspondence: A correspondence is the entire document received from a commenter. This includes letters, written comment forms, comments entered directly into PEPC, flip charts from the open houses, and any other written comments provided either at the public scoping meetings, by postal mail, or in person at the park.

Comment: A comment is a portion of the text within a correspondence that addresses a single subject. It could include such information as an expression of support or opposition for an alternative, additional data regarding the existing condition, or suggestions for resource topics to be considered.

Code: A grouping centered on a common subject. The codes were developed during the scoping process and were used to track major subjects.

Concern: Concerns are statements that summarize the issues identified by each code. Each code was further characterized by concern statements to provide a better focus on the content of comments. Some codes required multiple concern statements, while others did not. In cases where no comments were received on an issue, the issue was not identified or discussed in this report.

Quotes: Representative quotes have been taken directly from the text of the comments received from the public and further clarify the concern statements. Quotes have not been edited for grammar.

METHOD OF COMMENT ANALYSIS

As described above, during the comment period, over 4,000 pieces of correspondence were received. Correspondence was received by one of the following methods: hard copy letter via postal mail or delivered in person at the park, comment sheet submitted at the public meetings, oral statements recorded on flipcharts during the public meetings, or correspondence entered directly into the internet-based PEPC system. Letters received by email, through the postal mail, or submitted in person at the park, as well as the comments received from the public meetings were entered into the PEPC system for analysis.

Once all the correspondence was entered into PEPC, each was read, and specific comments within each correspondence were identified. Over 8,000 comments were derived from the correspondence received. When identifying comments, every attempt was made to capture the full breadth of comments submitted.

In order to categorize comments, each comment was given a code to identify the general content of a comment and to group similar comments together. A total of 30 codes were used to categorize all of the public scoping comments received. An example of a code developed for this project is *IT4000 – Impact Topic: Marine/Estuarine Resources*. In some

cases, the same comment may be categorized under more than one code, reflecting the fact that the comment may contain more than one issue or idea. It should be noted that the impact topics brought up in the public scoping comments are unlikely to be the only topics considered in the EIS. Impact topics to be considered in the EIS will be informed not only by the public comments but by a number of other influences as well.

HOW WILL MY COMMENTS BE USED?

As described above, all comments are categorized into concern statements, such as “The EIS should describe impacts on water resources from mariculture” and “The EIS should consider that the Drakes Bay Oyster Company is operated in an environmentally sound way.” These concerns are listed in the Concern Report section of this document. These concerns will guide the alternatives, issues, impact topics, and references to be considered during drafting of the EIS.

Another period for public comment will be held following the release of the draft EIS, which is currently scheduled for fall of 2011.

GUIDE TO THIS REPORT

This report is organized into the sections described below. The *Content Analysis Report* and the *Concern Statement Report* are provided in the following sections of this document. Additional PEPC reports and the full list of correspondence are provided as appendices to this document. For more information on how to find a particular correspondence, see the “How do I find my correspondence?” instructions below.

Content Analysis Report: This is the basic report produced from PEPC that provides information on the numbers and types of comments received, organized by code and by various demographics. The first two tables summarize the number of correspondence by geographic origin (both state and country). The next two tables display the number of correspondence by organization type (i.e., organizations, governments, individuals, etc.) and by comment type (i.e., amount of comments through PEPC, letters, etc.), respectively. The last table displays the number of comments that fall under each code or topic and the percentage of comments under each code.

Concern Statement Report: This report summarizes the comments received during the public scoping process. In the report, comments are organized by codes and further organized into concern statements. Representative quotes are provided for each concern statement. A list of concern statements, in table format, is provided at the beginning of the *Concern Statement Report* section for quick reference.

Correspondence ID by Author Report: This report provides a cross-reference list of the unique tracking number assigned to each piece of correspondence and the corresponding commenter name. This report is contained in Appendix A. A comprehensive list of all correspondence received is attached as printed directly from

PEPC. The correspondence list is separated into Appendix D because of the large size of the document.

Index by Organization Type Report: This report provides a listing of all groups that submitted comments, arranged and grouped by the following organization types (and in this order): government agency, business, non-profit, university, and unaffiliated individuals. The commenters or authors are listed alphabetically, along with their correspondence number and the codes that their comments fell under, organized by the various organization types. This report is contained in Appendix B.

Index by Code Report: This report lists which commenters or authors (identified by organization type if they were commenting in an official capacity) commented on which topics, as identified by the codes used in this analysis. The report is listed by code, and under each code is a list of the authors who submitted comments that fell under that code (if an official organization correspondence) and their correspondence numbers. This report is contained in Appendix C.

HOW DO I FIND MY CORRESPONDENCE?

If you would like to find your individual correspondence, follow the steps below:

- 1) Use the *Correspondence ID by Author Report* in Appendix A to look up the Correspondence ID for a particular author. This report is organized by the author's last name.
- 2) Use the Correspondence ID to find the full correspondence in Appendix D. The *Correspondence List* is organized by Correspondence ID.

HOW WAS MY CORRESPONDENCE CODED?

If an author would like to see how their correspondence was coded, follow the steps below:

- 1) As above, use the *Correspondence ID by Author Report* (Appendix A) to look up the Correspondence ID for a particular author. This report is organized by the author's last name.
- 2) Use the Correspondence ID to find the matching ID number in the *Index by Organization Report* (Appendix B). This list is categorized by organizations, however, if an author was not submitting a comment in an official capacity, the Correspondence ID can be found in the "Unaffiliated Individual" category.

CONTENT ANALYSIS REPORT

Correspondence Distribution by State

State	Percentage	Number of Correspondence
AK	0.07%	3
AL	0.41%	17
AR	0.41%	17
AZ	1.87%	78
CA	36.11%	1,503
CO	2.69%	112
CT	0.99%	41
DC	0.12%	5
DE	0.26%	11
FL	4.08%	170
GA	0.77%	32
GU	0.02%	1
HI	0.50%	21
IA	0.36%	15
ID	0.26%	11
IL	3.32%	138
IN	0.99%	41
KS	0.58%	24
KY	0.55%	23
LA	0.46%	19
MA	2.28%	95
MD	1.35%	56
ME	0.62%	26
MI	1.99%	83
MN	1.25%	52
MO	1.03%	43
MS	0.14%	6
MT	0.34%	14
NC	2.35%	98
ND	0.14%	6
NE	0.24%	10
NH	0.53%	22
NJ	2.16%	90
NM	1.20%	50
NV	0.60%	25

NY	6.10%	254
OH	2.07%	86
OK	0.26%	11
OR	2.40%	100
PA	2.86%	119
PR	0.02%	1
RI	0.29%	12
SC	0.43%	18
SD	0.05%	2
TN	0.94%	39
TX	3.38%	141
UT	0.50%	21
VA	1.99%	83
VI	0.05%	2
VT	0.31%	13
WA	3.70%	154
WI	1.39%	58
WV	0.22%	9
WY	0.12%	5
Unspecified	1.30%	54
Total		4,162

Correspondence Distribution by Country

Country	Percentage	Number of Correspondence
Unspecified	0.05%	2
United Kingdom	0.10%	4
United States of America	99.47%	4,140
Mongolia	0.02%	1
New Zealand	0.02%	1
Norway	0.02%	1
Spain	0.02%	1
France	0.05%	2
Germany	0.02%	1
Afghanistan	0.02%	1
Australia	0.02%	1
Canada	0.05%	2
Switzerland	0.02%	1
Italy	0.05%	2
Netherlands	0.05%	2
Total		4,162

Correspondence Count by Organization Type

Organization Type	Number of Correspondences
Government	7
Business	18
Non-Profit/Organization	34
University/Professional Society	1
Unaffiliated	4082
Total	4,142

Correspondence Distribution by Correspondence Type

Type	Number of Correspondences
Other *	15
Web Form	3,894
Park Form	102
Letter	151
Total	4,162

* Includes flip charts from public meetings, news articles, and an edited park scoping handout.

Comment Distribution by Code

(Note: Each comment may have multiple codes.)

Code	Description	Number of Comments
PN1000	Park Legislation/Authority	394
PN2000	Background	61
PN3000	Purpose and Need	47
AL1000	Potential Alternatives: Do Not Issue New SUP	2,769
AL2000	Potential Alternatives: Issue New SUP	813
AL3000	Potential Alternatives: Other Alternatives or Elements	131
IS1000	Issue: Wilderness Act/Designation	2,014
IS2000	Issue: Commercial Operations	2,990
IS3000	Issue: Precedence	116
IS4000	Issue: Planning Process	340
IS5000	Issue: Agricultural Land Use	22
IS6000	Issue: Historic Context	153
IS7000	Issue: Carbon Footprint	110
IT1000	Impact Topic: Wilderness	1,427
IT2000	Impact Topic: Geological Resources	8
IT3000	Impact Topic: Water Resources	259
IT4000	Impact Topic: Marine/Estuarine Resources	566
IT5000	Impact Topic: Terrestrial Resources	17
IT6000	Impact Topic: Species of Special Concern	332

IT7000	Impact Topic: Floodplains/Flood Zones	2
IT8000	Impact Topic: Wetlands	18
IT9000	Impact Topic: Soundscapes	23
IT10000	Impact Topic: Cultural Resources	179
IT11000	Impact Topic: Socioeconomic Resources	480
IT12000	Impact Topic: Visitor Experience/Recreation	489
IT13000	Impact Topic: Park Operations	27
IT14000	Impact Topic: Other	1
CU1000	Cumulative Actions and Impacts	101
RF1000	Suggested References	202
GC1000	General Concerns	155

CONCERN REPORT

As described above, this report summarizes the comments received during the public scoping period for the Drakes Bay Oyster Company EIS. Table 1 below provides a concise list of concern statements by code for quick reference. It is followed by the full concern report from PEPC, which includes representative quotes.

Table 1: Code, Corresponding Concern ID, and Corresponding Concern Statement	
PN1000 – Park Legislation/Authority	
Concern ID: 27024	The NPS has the authority to issue a SUP of any length to the DBOC, irrespective of Section 124.
Concern ID: 27025	The NPS has jurisdiction over the land-based portions of the DBOC operations but not over the water-based portion of the operations.
Concern ID: 27027	The NPS does not have the authority to issue a Special Use Permit under Section 124 because Section 124 does not alter the wilderness designation of Drakes Estero and other laws and NPS policies.
Concern ID: 27705	The EIS should include an analysis of wilderness designation and commercial use authorization’s consistency with the NPS Management Policies.
Concern ID: 27813	Section 124 of Public Law 11-88, the Feinstein Legislation, expressly authorizes the NPS to grant the necessary permits for an extension of ten years, but does not require that an extension be granted.
Concern ID: 27820	The issuance of a new Special Use Permit would violate the NPS Concessions Management Act of 1998.
PN2000 – Background	
Concern ID: 27012	The EIS should address past policy regarding commercial oyster operations in Drakes Estero.
Concern ID: 27014	The EIS should consider that the Point Reyes National Seashore was established to prevent suburbanization and subdivision of the coastal region and should strive for a balance between an agricultural landscape and the natural beauty of the area.
Concern ID: 27021	The EIS should consider that the DBOC knew the lease would expire in 2012 when the operation was purchased in 2005.
Concern ID: 27022	The EIS should describe the current permit held by the DBOC.
PN3000 – Purpose and Need	
Concern ID: 26952	The purpose and need statement should be modified.
Concern ID: 26955	The project objectives should be modified.
AL1000 – Potential Alternatives: Do Not Issue New SUP	
Concern ID: 26950	The EIS should consider an alternative that does not issue a new Special Use Permit for the Drakes Bay Oyster Company.
AL2000 – Potential Alternatives: Issue New SUP	
Concern ID: 26959	The EIS should consider an alternative that issues a Special Use Permit for DBOC for an additional 10 years.
AL3000 – Potential Alternatives: Other Alternatives or Elements	
Concern ID: 26964	The EIS should consider an alternative that would issue a renewable Special Use Permit for a term longer than 10 years.
Concern ID: 26965	The EIS should consider an alternative that would issue a Special Use Permit for the DBOC and incorporate stipulations to facilitate environmental protection of the Estero, including visitor limitations, protection of harbor seals, limitations on oyster farming practices that prohibit growth of other marine life, and elimination of debris within the Estero.
Concern ID: 26966	The Drakes Bay Oyster Company should move to another location, outside of Drakes Bay.

Table 1: Code, Corresponding Concern ID, and Corresponding Concern Statement	
Concern ID: 26968	The EIS should consider an alternative that would not issue a Special Use Permit and require enhanced project options that direct the NPS to restore the wilderness area, wetlands, and land within the DBOC.
Concern ID: 26969	The EIS should consider an alternative that would not issue a Special Use Permit and would implement educational programs for the Estero's recreational users.
Concern ID: 26971	The EIS should consider an alternative that would issue a Special Use Permit that includes provisions regarding labor practices.
Concern ID: 26972	The EIS should include an alternative that would issue a Special Use Permit to extend the DBOC's lease for less than 10 years.
Concern ID: 26973	The EIS should consider an alternative that would not issue a new Special Use Permit to the DBOC, but does not revert the land back to wilderness. The land should instead be offered back to the Coastal Miwok.
Concern ID: 26974	The EIS should consider an alternative that issues a Special Use Permit to the DBOC and requires that a portion of their profits are used to maintain the park as a whole.
Concern ID: 26975	The EIS should consider an alternative that issues a Special Use Permit for oyster farming in Drakes Bay, but opens operation of the land to public bid.
Concern ID: 26977	The EIS should consider an alternative that does not issue a Special Use Permit at this time. Conduct a control study over the next 10 years to determine the impacts of closing the oyster farm, and then, based on the results, consider issuing a permit at a later date.
Concern ID: 26978	The EIS should consider an alternative that does not issue a Special Use Permit, but to offset the cost of closing the DBOC, increases the entry fee into the Park.
Concern ID: 27612	The EIS should consider an alternative that issues a Special Use Permit and allows the cultivation of new species and construction of new facilities and facility improvements proposed by the DBOC.
Concern ID: 27746	The EIS should consider an alternative that would significantly increase shellfish production in Drakes Estero and maintain the Estero's ecological integrity.
IS1000 – Issue: Wilderness Act/Designation	
Concern ID: 26986	The NPS should consider full wilderness designation. Our wilderness areas should be protected and preserved. Preserve the intentions of the 1976 Point Reyes Wilderness Act. Terminate commercial operations at Drakes Bay, and grant full wilderness designation to the Seashore in November 2012.
Concern ID: 26987	The Point Reyes National Seashore cannot be considered true wilderness even if the oyster farm were to be shut down.
Concern ID: 27331	The EIS should define wilderness to include human activities.
Concern ID: 27333	The EIS should not adopt a new definition of wilderness.
Concern ID: 27649	The EIS should address what activities are allowed in wilderness areas.

Table 1 (continued): Code, Corresponding Concern ID, and Corresponding Concern Statement	
Concern ID: 27659	The EIS should specify what would happen to kayak and hiker access to the wilderness if Drakes Estero becomes a wilderness area.
IS2000 – Issue: Commercial Operations	
Concern ID: 26990	The NPS should ensure that the DBOC facility and operations are in compliance with critical rules and regulations set forth by the California Coastal Commission (CCC).
Concern ID: 26991	The NPS should promote local small businesses.
Concern ID: 26992	The EIS should consider that the DBOC is operated in an environmentally sound way.
Concern ID: 26994	The EIS should address the appropriateness of commercial operations within a National Park.
IS3000 – Issue: Precedence	
Concern ID: 26995	The EIS should consider whether or not issuing a Special Use Permit would set a precedent.
IS4000 – Issue: Planning Process	
Concern ID: 26997	The EIS should be supported by accurate information.
Concern ID: 26998	Additional analyses should be conducted as part of the EIS process.
Concern ID: 26999	The National Park Service should adhere to all applicable regulations, including the National Environmental Policy Act of 1969 (NEPA) when preparing the Drakes Bay Oyster Company EIS.
Concern ID: 27000	The National Park Service should not be subjected to political pressure.
Concern ID: 27001	The NPS should ensure that the EIS is fair and unbiased.
Concern ID: 27002	The baseline condition for the EIS should not include oyster farming within the Estero.
Concern ID: 27003	The EIS is not necessary.
IS5000 – Issue: Agricultural Land Use	
Concern ID: 27004	The EIS should address how closing the DBOC would impact agricultural operations within the Park.
Concern ID: 27005	The EIS should consider adverse environmental impacts of agricultural (ranching and dairy farm) use.
IS6000 – Issue: Historic Context	
Concern ID: 27011	The EIS should consider that oysters have been harvested from Drakes Estero since the area was inhabited by the Native Americans.
Concern ID: 27013	The EIS should consider that oysters have been present within and farmed from Drakes Bay for generations, long before the designation of the National Seashore.
IS7000 – Issue: Carbon Footprint	
Concern ID: 27015	The EIS should consider that the carbon footprint associated with transporting oysters to San Francisco and the surrounding area would increase if the DBOC were to close.
IT1000 – Impact Topic: Wilderness	
Concern ID: 27017	The EIS should consider impacts to wilderness associated with oyster farming, including those presented in existing research.
Concern ID: 27709	The EIS should describe how continuing DBOC operations could be managed in the context of a potential wilderness area.

Table 1 (continued): Code, Corresponding Concern ID, and Corresponding Concern Statement**IT2000 – Impact Topic: Geological Resources**

Concern ID: 27026	The EIS should address impacts of mariculture on bathymetry in Drakes Estero.
-------------------	---

IT3000 – Impact Topic: Water Resources

Concern ID: 27185	The EIS should describe the DBOC water/septic systems, including whether the systems function properly and meet applicable standards.
-------------------	---

Concern ID: 27187	The EIS should consider the effects of run-off from the asphalt paving adjacent to wetlands and the Estero.
-------------------	---

Concern ID: 27189	The EIS should address the potential for impact to water resources related to production levels.
-------------------	--

Concern ID: 27191	The EIS should consider human-caused pollution on water resources.
-------------------	--

Concern ID: 27192	The EIS should describe DBOC’s water quality and public health testing.
-------------------	---

Concern ID: 27193	The EIS should describe impacts on water resources from mariculture.
-------------------	--

Concern ID: 27197	When describing impacts on water quality, the EIS should consider various published sources of information.
-------------------	---

IT4000 – Impact Topic: Marine/Estuarine Resources

Concern ID: 27157	When describing impacts on marine/estuarine resources, the EIS should consider various published sources of information.
-------------------	--

Concern ID: 27166	The EIS should consider the impacts of kayaks on marine and estuarine resources.
-------------------	--

Concern ID: 27169	The EIS should describe the footprint of the oyster farm in the Estero.
-------------------	---

Concern ID: 27171	The EIS should address impacts on the ecology of the estuary.
-------------------	---

Concern ID: 27173	The EIS should consider the role of oysters as an indicator species for the Estero.
-------------------	---

Concern ID: 27181	The EIS should consider that DBOC provides oyster shells for ecological restoration.
-------------------	--

Concern ID: 27762	The EIS should address impacts to marine plant and animal species.
-------------------	--

IT5000 – Impact Topic: Terrestrial Resources

Concern ID: 27151	The EIS should address the potential impacts on upland habitat and species.
-------------------	---

Concern ID: 27153	The EIS should consider the best available science when evaluating impacts to birds.
-------------------	--

Concern ID: 27711	The EIS should address wildlife management.
-------------------	---

Concern ID: 27149	The EIS should describe the role of the Estero in providing foraging and breeding grounds for birds, fish, and harbor seals.
-------------------	--

IT6000 – Impact Topic: Species of Special Concern

Concern ID: 27113	The EIS should address the impacts on special status bird species.
-------------------	--

Concern ID: 27114	The EIS should address impacts to harbor seals and include a description of harbor seal buffer zones and DBOC boat operations.
-------------------	--

Concern ID: 27115	When describing impacts on harbor seals, the EIS should consider various published sources of information, including the scientific research presented in previous reports, such as the Becker Report (2010) and the National Research Council (NRC) report on Shellfish Mariculture in Drakes Estero (2009).
-------------------	---

Concern ID: 27123	The EIS should address the role the Estero plays in supporting special status species.
-------------------	--

Concern ID: 27124	The EIS should address impacts to eelgrass.
-------------------	---

Table 1 (continued): Code, Corresponding Concern ID, and Corresponding Concern Statement	
Concern ID: 27129	The EIS should address past DBOC violations related to operating in harbor seal protection areas.
Concern ID: 27135	The EIS should identify all potential and listed threatened and endangered species and critical habitat within the project area, and should identify which habitats have the potential to be impacted by the proposed project.
Concern ID: 27140	The EIS should evaluate the proposed project's consistency with the National Marine Fisheries Service's California Eelgrass Mitigation Policy.
IT7000 – Impact Topic: Floodplains/Flood Zones	
Concern ID: 27109	The EIS should address how development in the floodplain impacts the Estero.
Concern ID: 27796	The EIS should consider past and potential future impacts on floodplains.
IT8000 – Impact Topic: Wetlands	
Concern ID: 27098	The EIS should describe impacts on wetlands.
IT9000 – Impact Topic: Soundscapes	
Concern ID: 27091	The EIS should consider the impacts of noise associated with oyster farming.
Concern ID: 27094	The EIS should address protection of the natural soundscape.
IT10000 – Impact Topic: Cultural Resources	
Concern ID: 27074	The EIS should assess whether or not the oyster operations and their associated structures are a cultural resource.
Concern ID: 27070	The EIS should consider whether or not eating oysters qualifies for protection under Federal law as a cultural resource.
Concern ID: 27075	The EIS should evaluate the potential for integrated cultural land management.
Concern ID: 27077	The EIS should include an evaluation of the use of Drakes Estero by Native Americans and consider consultation.
Concern ID: 27079	The EIS should consider the human history of Drakes Estero.
Concern ID: 27081	The EIS should address protection of Native American cultural resources.
IT11000 – Impact Topic: Socioeconomic Resources	
Concern ID: 27058	The EIS should consider the impact to local employment and regional income.
Concern ID: 27060	The EIS should consider the impact to low-income housing in West Marin.
Concern ID: 27061	The EIS should consider non-market values.
Concern ID: 27062	The EIS should consider impacts related to costs to import oysters.
Concern ID: 27065	The EIS should consider the contribution of DBOC to local, affordable food availability.
Concern ID: 27722	The EIS should describe conditions of the Estero that allow year-round shellfish harvesting.
IT12000 – Impact Topic: Visitor Experience/Recreation	
Concern ID: 27043	The EIS should consider visitor enjoyment related to eating DBOC oysters.
Concern ID: 27044	The EIS should consider visitor experience in wilderness.
Concern ID: 27045	The EIS should consider the impact to the scenery within Drakes Estero.
Concern ID: 27048	The EIS should evaluate the change in visitor experience at the Estero over time.
Concern ID: 27050	The EIS should evaluate the potential impacts on the visitor experience/recreation.
Concern ID: 27052	The EIS should consider how controversy over this subject has affected visitor experience.

Table 1 (continued): Code, Corresponding Concern ID, and Corresponding Concern Statement	
Concern ID: 27056	The EIS should consider the interpretive/education opportunities at the site.
IT13000 – Impact Topic: Park Operations	
Concern ID: 27031	The EIS should address the responsibilities for maintenance of the DBOC buildings.
Concern ID: 27033	The EIS should address the impact on park operations of monitoring visitor compliance if a Special Use Permit is not issued.
Concern ID: 27034	The EIS should describe the cost of acquisition, maintenance, and operations of Point Reyes National Seashore, including Drakes Estero, in 2012 dollars.
Concern ID: 27036	The EIS should address the costs to manage Drakes Estero, including monitoring, mitigation, and law enforcement activities.
Concern ID: 27039	The EIS should evaluate park operations and the National Park Service's ability to manage and enforce a Special Use Permit for DBOC.
IT14000 – Impact Topic: Other	
Concern ID: 27888	The EIS should consider the goals of the Golden Gate UNESCO Biosphere Reserve, which includes the Point Reyes National Seashore and Drakes Bay.
CU1000 – Cumulative Actions and Impacts	
Concern ID: 26979	The EIS should consider the effects of climate change/global warming in combination with commercial operations.
Concern ID: 26980	The EIS should consider the cumulative impact on the Drakes Estero estuary resulting from all current and potential commercial/recreational activities in the study area, including kayaking, hiking, fishing, etc.
Concern ID: 26981	The EIS should consider the cumulative effect of agriculture, such as cattle and dairy farming, and mariculture within the Park.
Concern ID: 26982	The EIS should consider the impacts of the U.S. Navy North West Warfare Testing expansion on aquatic resources together with the impacts of commercial operations at Drakes Bay.
Concern ID: 26983	The EIS should consider there are very few esteros that have not been compromised by development and commercial use, and Drakes Estero is part of an interconnected system.
Concern ID: 27338	The EIS should consider the impacts of the BP Oil Spill, Hurricane Katrina and similar disasters.
Concern ID: 27631	The EIS should consider the significance of an entire California estuary ecosystem protected by Marine Reserve status under the California 1999 Marine Life Protection Act (MLPA).
RF1000 – Suggested References	
Concern ID: 27913	Additional references should be reviewed and considered during the preparation of the EIS.
GC1000 – General Concerns	
Concern ID: 26984	Comments were provided that are outside the scope of the Drakes Bay Oyster Company Special Use Permit EIS.
Concern ID: 27640	The meaning of some comments was not clear enough to categorize.

[This page intentionally left blank.]

The following report is organized by codes and then concern statements. Representative quotes are provided for each concern statement.

Representative quotes provided below are taken directly from PEPC and represent the text provided by the commenter, exactly as it was entered. Grammar and spelling have not been changed. These representative quotes are not the only comments received under this particular concern statement; however, these quotes have been chosen to represent those comments categorized under each concern statement.

PN1000 - Park Legislation/Authority

CONCERN [The NPS has the authority to issue a SUP of any length to the DBOC, irrespective of Section 124.](#)
STATEMENT 27024:

Representative Quote(s): **Corr. ID:** 3709

Representative Quote: As a lawyer, I am not convinced by the arguments that, absent the Feinstein legislation, the Seashore would be legally prevented from renewing the oyster lease. I believe that it is a policy matter for the Seashore to decide whether the area reverts to "wilderness" or continues with the oyster operation, and on what terms. While the Feinstein legislation (Section 124 of Public Law 111-88) gives an explicit authority to renew the lease for a limited period of time, I do not think that the decision to extend or to not extend depends on that legislation - it is within the Seashore's authority to extend the lease without the special legislation. For the same reasons, I do not believe that the Seashore is limited respecting the duration or terms of any lease extension. Whether or not to extend the lease and on what terms, in my view, is simply a policy decision for the Seashore to make.

CONCERN [The NPS has jurisdiction over the land-based portions of the DBOC operations but not over the water-based portion of the operations.](#)
STATEMENT 27025:

Representative Quote(s): **Corr. ID:** 4013

Representative Quote: 1. Does the NPS have jurisdiction over mariculture in Drakes Estero? NO.
The NPS does not have jurisdiction over mariculture in Drakes Estero beyond the use of the shoreline facilities for Drakes Bay Oyster Company. In the Final EIS on Proposed Wilderness, April 23, 1974, the NPS acknowledged the rights of the State of California, rights retained at the time of transfer of the waters of the Estero to the Federal government, stating on page 56,
"Control of the lease from the California Department of Fish and Game, with presumed renewal indefinitely, is within the rights reserved by the State on these submerged lands."
Correspondence from the 1990s indicates that the NPS and the State of California agreed that the State has jurisdiction over mariculture in the Estero. In 2004 the California Fish and Game Commission gave DBOC a 25-year permit to continue mariculture activities to 2029.

NPS efforts to preempt State's rights in this matter are in direct conflict with Executive Order 13132 of August 4, 1999.

Corr. ID: 4103 **Organization:** Drakes Bay Oyster Company
Representative Quote: The Drakes Bay Oyster Company houses the only remaining oyster cannery still in operation in the State of California. It is

located within what is now the Point Reyes National Seashore, located thirty miles northwest of San Francisco, where oyster farming has taken place for nearly a century. The farm's onshore facilities subject to the RUO are located on about 2.5 acres of land adjoining Drakes Estero, in which oysters are cultivated. The farm is currently operating under a 2008 Special Use Permit ("2008 SUP") that consolidates previous SUPs issued by NPS for the purpose of supplying water for the oyster farm and using and maintaining the sewage pipeline and leachfield associated with the RUO itself (hereinafter, the "RUO and associated permits"). For the first time, the 2008 SUP attempted to exert authority over DBOC's operations in the waters of Drakes Estero. However, the oyster farm cultivates shellfish in Drakes Estero pursuant to two leases from the California Department of Fish and Game (CDFG).

As explained in the July 6, 2010 letter requesting the SUP, the CDFG has been leasing the bottomlands in Drakes Estero for shellfish cultivation since the early 1930's. As required by the California Constitution, the California Legislature retained fishing rights in the tidelands, as well as mineral rights, when it otherwise transferred ownership of the tidelands to the United States in 1965. The State's right to issue leases for shellfish cultivation in these waters is a property right long managed through leases authorized by the State Legislature and the California Fish and Game Commission. In 2004, DBOC's two leases were renewed for 25 years, through 2029. Therefore, DBOC is not seeking a permit from the NPS to cultivate oysters in Drakes Estero. Instead, DBOC is seeking a SUP consistent with the terms found in Article 11 of the RUO, which states: "Upon expiration of the reserved term, a special use permit may be issued for the continued occupancy of the property for the herein described purposes, provided however, that such permit will run concurrently with and will terminate upon the expiration of the state water bottom allotments assigned to the vendor. Any permit for continued use will be issued in accordance with National Park Service regulations in effect at the time the reservation expires."

Corr. ID: 4121

Representative Quote: (4) California's Retained Fishing Rights in Drakes Estero; In 1965, the California Legislature transferred ownership of the tidelands offshore the Seashore to the United States. As required by the State Constitution, the Legislature reserved to the People of the State of California the "right to fish" in and the right to convenient access to those tidelands, including Drakes Estero.(3) For this purpose, under California law, "fishing rights" include shellfish cultivation.(4)

...

FOOTNOTES:

...

(3)California Assembly Bill 1024. See Exhibit 3 to Fishing Rights Memo, p. 13.

(4)For more information on fishing rights under California law, see Alexander Calhoun's "Drakes Estero: Historical Analysis of Oyster Cultivation and Wilderness Status", pages 5 -7. It was submitted with Mr. Calhoun's Comments. It can be also accessed through www.marinwatch.org.Click on the Community Conversations Background link and then "search" for the Analysis.

**CONCERN
STATEMENT 27027:**

The NPS does not have the authority to issue a Special Use Permit under Section 124 because Section 124 does not alter the wilderness designation of Drakes Estero and other laws and NPS policies.

Representative Quote(s): **Corr. ID:** 780

Representative Quote: Do the job you were created to do & protect our National Parks from development. Keep our parks as wilderness; so we have something left to give, that has not been sullied by greed, to future generations.

Corr. ID: 3242

Representative Quote: Please do what National Parks are meant to do - protect the land and the water. That is your primary duty. ... National Parks are to preserve the land and water.

Corr. ID: 2158

Representative Quote: From the beginning the National Park designations were meant to preserve pristine Americana for future generations from the spoils or actions of the public and commercial sector.

Corr. ID: 2348 [flip chart at Berkeley public meeting]

Representative Quote: The EIS should look at the consistency of issuing a SUP with the mission of NPS in protecting nat. resources and the consistency with wild. act and the enabl. legisl.

Organization: Marin Conservation League

Corr. ID: 3720

Representative Quote: The NPS does not have the authority to grant DBOC a special use permit to continue its operation when the RUO expires in 2012. Senator Dianne Feinstein sponsored Section 124 of Public Law 111-88 (2009) which granted discretionary authority to the Secretary of the Interior to issue a special use permit for ten years. This authority does not alter the potential wilderness designation of Drakes Estero. If the Special Use Permit for a commercial harvesting and processing of shellfish at PRNS is granted, it will extend the non-conforming use. As a commercial use the shellfish operation does not meet the requirements of the Wilderness Act.

Corr. ID: 4079

Organization: Environmental Action Committee of West Marin - Executive Director

Representative Quote: 2. The FY2009 rider to the Congressional Appropriations Bill did not alter the wilderness status of Drakes Estero nor did it require or authorize the Secretary of Interior to ignore the longstanding, clear mandates of wilderness laws and NPS policies when exercising discretion about whether or not to issue a new 10-year commercial operating permit for DBOC. To discard the numerous statutory, regulatory and policy mandates that favor natural resource protection in order to hand this precious resource over to a private, commercial enterprise would be a devastating betrayal of long-standing public wilderness and National Park Service values.

**CONCERN
STATEMENT 27705:**

The EIS should include an analysis of wilderness designation and commercial use authorization's consistency with the NPS Management Policies.

Representative Quote(s): **Corr. ID:** 4079

Organization: Environmental Action Committee of West Marin - Executive Director

Representative Quote: ??Park Operations...
??Analysis of wilderness designation and commercial use authorization's consistency with NPS Management Policies, including those on wilderness, natural resources, commercial use, and special use permits.

CONCERN STATEMENT 27813: Section 124 of Public Law 11-88, the Feinstein Legislation, expressly authorizes the NPS to grant the necessary permits for an extension of ten years, but does not require that an extension be granted.

Representative Quote(s): **Corr. ID:** 159
Representative Quote: Moreover, the Feinstein legislation expressly authorizes the NPS to grant the necessary permits for an extension of ten years, thereby eliminating even any argument that the NPS does not have the power to permit an extension for that period.

Corr. ID: 2558 **Organization:** Californians for Western Wilderness (CalUWild)
Representative Quote: The present owner, Mr. Kevin Lunny, purchased the property in 2004 or 2005 (press accounts vary). Since that time, he has worked to have the lease extended by various means, most recently via a rider attached to the FY 2010 Interior Appropriations bill, giving the Secretary of the Interior the authority to extend the permit (but not requiring an extension, as had been originally proposed).

Corr. ID: 3771
Representative Quote: While the rider authored by Senator Feinstein does give Secretary Salazar the authority to issue a new lease, it does not mandate it. To be in accordance with NPS management practices, and the public's right to have their national parks managed in a way that protects the resource, this permit must not be issued.

CONCERN STATEMENT 27820: The issuance of a new Special Use Permit would violate the NPS Concessions Management Act of 1998.

Representative Quote(s): **Corr. ID:** 4016 **Organization:** Sierra Club Marin Group
Representative Quote: Lastly, extension of this operation would be a violation of the 1998 Concessions Act that authorizes only activities that facilitate park visitor experience. However pleasant some may find growing and buying oysters in a National Park, these are not essential activities and furthermore are duplicated nearby.

PN2000 - Background

CONCERN STATEMENT 27012: The EIS should address past policy regarding commercial oyster operations in Drakes Estero.

Representative Quote(s): **Corr. ID:** 3083 [flip chart at Point Reyes Station public meeting]
Representative Quote: NPS, as recently as 2005, supported DBOC continuing operations in Drakes Estero

Corr. ID: 3567 **Organization:** Marin County Agricultural Commissioner
Representative Quote: In a historical reflection, the Senate Committee on Interior and Insular Affairs held a hearing on April 14, 1960 in Pt. Reyes Station on Senate Bill S.2428 "Bill to establish the Pt. Reyes National Seashore in the State of California" which included testimony from then

Chief of Recreation and Resources Planning (Nat. Park Ser. Reg. 4 - SF Dist. Before there was a Superintendent position created) He was quoted to say "Existing commercial oyster beds-which we saw yesterday as we flew around there- a very important activity- and a cannery at Drakes Estero, plus three existing commercial fisheries, would continue under national Seashore status because of their public value" (page 14).

CONCERN

STATEMENT 27014:

The EIS should consider that the Point Reyes National Seashore was established to prevent suburbanization and subdivision of the coastal region and should strive for a balance between an agricultural landscape and the natural beauty of the area.

Representative Quote(s): Corr. ID: 3409

Representative Quote: The Seashore was welcomed into our community, and approved by Congress, with a very specific goal: to prevent suburbanization and subdivision of the coastal region. Folks wanted to protect the recreational opportunities, the agricultural landscape and/or the natural beauty of the area. Congress defined, and several generations of ranchers, county planners and plans, citizens in groups like" the Marin Agricultural Land Trust, Marin Organic, the Sonoma Agricultural Land Preservation and Open Space District, and similar, have worked to implement an approach to land protection that relies in considerable part on supporting a working landscape. Striking an appropriate balance among these was not easy then, and it has not gotten any easier. But maintaining the balance is essential, and probably even more important now than it was in 1962.

Over the intervening 50 years, the NPS has taken some lumps for mishandling of similar landscapes-most notably in Cuyahoga, but also in Boxley Valley, to name a couple of examples. But in my assessment, NPS has moved through the steepest part of its learning curve, and been recognized for its nationwide leadership role in sustaining the cultural and agricultural landscape as the anchor of land conservation and environmental protection. Part of the NPS success story in PRNS is well described in the Stewardship Begins with People project update published jointly by the NPS Northeast Region, the Marsh-Billings-Rockefeller National Historical Park, and Shelburn Farms National Historic Landmark, which I commend to you if you are not aware of it.

CONCERN

STATEMENT 27021:

The EIS should consider that the DBOC knew the lease would expire in 2012 when the operation was purchased in 2005.

Representative Quote(s): Corr. ID: 797

Representative Quote: If the intent of the Drakes Bay Oyster Company was to operate an oyster farm in perpetuity then they should have bought or built one somewhere else. It couldn't be more simple than that.

Corr. ID: 3343

Representative Quote: When the national seashore was established in 1962, the Stipulation was that the lease where Drakes Bay Oysters now operates was to revert back to wilderness.

When Mr. Lunny bought the operation from Mr. Johnson about seven years ago, he realized that this was supposed to revert back to wilderness in 2012. I realize that Mr. Lunny runs a business that employs people but he knew

when he bought the operation that the clock was ticking against him.

Corr. ID: 4067 **Organization:** National Wildlife Foundation - Senior Water Resources Council

Representative Quote: In 2005, the Drakes Bay Oyster Company (DBOC) bought out the Johnson Oyster Company's lease even though only seven years remained on the Reservation of Use. At the time, DBOC assured the Park Service and others that DBOC fully understood that its right to operate would end in 2012 and that it could make back its investment by that time. The activities of DBOC are the only nonconforming uses in Drakes Estero and the only barrier to full wilderness designation.

CONCERN

STATEMENT 27022: The EIS should describe the current permit held by the DBOC.

Representative Quote(s): **Corr. ID:** 158

Representative Quote: I would like to know the details of the original DBOC use permit. Did Johnson or DBOC own the land? Was the owner paid 'fair value' for the real estate when the park was formed? What limitations are stipulated in the use permit? Could DBOC increase the number of oyster racks arbitrarily? Could they operate a restaurant or a casino on the property?

PN3000 - Purpose and Need

CONCERN

STATEMENT 26952: The purpose and need statement should be modified.

Representative Quote(s): **Corr. ID:** 3486

Representative Quote: A new and adequate Purpose and Need must be developed.

Corr. ID: 3634

Representative Quote: The EIS should not be framed as a decision on wilderness. It is a decision on the continuation of a Special Use Permit by a family who has been a responsible steward for PRNS with a demonstrated record of performance.

Corr. ID: 4070 **Organization:** Defenders of Wildlife - Marine Program Associate

Representative Quote: We encourage the NPS to broadly define the "purpose and need" for its Draft EIS to encompass management of Drakes Estero generally, in order to ensure that such considerations are given full treatment in the EIS.

Corr. ID: 4071 **Organization:** National Parks Conservation Association

Representative Quote: NPCA therefore believes that the following changes should be made to the proposed determinations of Need, Purposes and Objectives (changes are indicated in bold, with deletions showing strikeouts and additions being underlined [bold, strikeouts and underline features were not retained when uploaded to PEPC]. Additional rationale is provided for each requested change):

Why is this Action Needed? ? NPS DRAFT

Pursuant to Section 124 of Public Law 111-88, the Secretary of the Interior has the discretionary authority to issue a special use permit for a period of 10 years to Drakes Bay Oyster Company (DBOC) for shellfish operations at Point Reyes National Seashore. The existing Reservation of Use and Occupancy and associated special use permit held by DBOC expires on November 30, 2012. DBOC has submitted a request for the issuance of a new permit upon expiration of the existing permit.

Corr. ID: 4103 **Organization:** Drakes Bay Oyster Company
Representative Quote: There are significant deficiencies in the NPS' Purpose, Need, and Project Objectives for the project. Without a clear and complete statement, NPS resources will be committed in violation of the Council on Environmental Quality ("CEQ") NEPA Regulations. See 40 C.F.R. ' 1502.2(f) ("Agencies shall not commit resources prejudicing selection of alternatives before making a final decision."). DBOC respectfully asserts that the Purpose, Need, and Project Objectives for the EIS should be defined more clearly and completely than they have been in the Service's October 8, 2010, Scoping Letter.

CONCERN

STATEMENT 26955: The project objectives should be modified.

Representative Quote(s): **Corr. ID:** 229
Representative Quote: The proliferation of floating piers for shellfish cultivation and workers using motorized craft for servicing the piers have clearly disrupted flocks of resting migratory birds and marine life and are at odds with the NPS's Project Objective to "Manage natural and cultural resources to support their maximum protection, restoration and preservation" in Drakes Estero.

Corr. ID: 3720 **Organization:** Marin Conservation League
Representative Quote: The purposes of "the proposed action" can be broadly stated in two project objectives listed on Page 2 of the October 8, 2010 Announcement of the EIS: "Manage natural and cultural resources to support their maximum protection, restoration, and preservation; and Manage wilderness and potential wilderness areas, and the activities and resources within them, to preserve the character and qualities for which they were designated."

Corr. ID: 4069
Representative Quote: Project Objectives: ? Manage natural resources to support their maximum protection, restoration, and preservation ? Minimize human disturbance of native species and their natural environment ? Manage wilderness and potential wilderness areas to preserve the character and qualities for which they were designated ? Protect Native American sacred cultural sites in and adjacent to Drakes Estero ? Restore native habitat to the DBOC facility area and land fill, and restore Schooner Bay wetlands on a schedule and to a degree that funds permit.

Corr. ID: 4103 **Organization:** Drakes Bay Oyster Company
Representative Quote: II. THE PURPOSE, NEED, AND OBJECTIVES SHOULD BE MODIFIED.

...
In defining the Purpose and Need, and in describing the Objectives of this EIS, DBOC believes it is imperative to present the full context of the oyster farm's operations. From an historical perspective, the EIS should provide

sufficient information about the tradition of shellfish harvesting and the role that the oyster farm has played in Drakes Estero and, more recently, within the PRNS. From a management perspective, the EIS should discuss Congressional recognition of the oyster farm's history and multiple educational, scientific and historical benefits, as well as Congressional support of the oyster farm's continuation within the Seashore, from the creation of the Seashore up to present day with the passage of Public Law 111-88.

The EIS should similarly address the Service's own long history of supporting the oyster farm;(6) describe how the 1980 PRNS GMP supports the project; and disclose the Service's prior 1998 NEPA analysis conducted for the oyster farm, when it was operated by Johnson Oyster Company, including the Finding of No Significant Impact ("FONSI") under NEPA. For example, the 1980 GMP specifically highlighted the oyster farm, as well as the surrounding ranches, a visitor center, a hostel, and a horse outfitter, as "major features of the National Seashore." 1980 GMP at 7-8. It should also be disclosed within the EIS that there are currently numerous commercial operations and working cattle and dairy ranches within PRNS. Furthermore, the ranches all previously operated under RUOs like the one under which DBOC is currently operating, and since the expiration of these RUOs, the ranches now continue operating pursuant to SUPs like the one requested by DBOC.

...
ENDNOTES: ... (6) See infra at n.10.

Corr. ID: 4103 **Organization:** Drakes Bay Oyster Company
Representative Quote: II. THE PURPOSE, NEED, AND OBJECTIVES SHOULD BE MODIFIED.

...
As stated above, the Purpose and Need should also be based on the management objectives stated in the 1980 PRNS General Management Plan. General Management Plans inform site-specific projects because the decision to designate a certain area for a specific use has already been made in the GMP. NPS DO #12 at 85, 86, 88. Here'as it was in the 1998 Environmental Assessment NPS conducted for certain improvements to the oyster farm when it was operated by Johnson Oyster Company'the operative document is the 1980 PRNS GMP. The Purpose and Need should include the GMP's statements about the Seashore's management objectives for the oyster farm, including: i) "to manage seashore activities in the'estuarine areas in a manner compatible with resource carrying capacity;" ii) "to monitor and improve maricultural operations, in particular the oyster farm operation in Drakes Estero, in cooperation with the California Department of Fish and Game;" iii) "to monitor and support productive land uses and activities which are consistent with historical patterns;" and iv) "to ensure that'mariculture activities are consistent with the historical evolution of land and water use at Point Reyes." 1980 GMP at 2-3.

AL1000 - Potential Alternatives: Do Not Issue New SUP

CONCERN The EIS should consider an alternative that does not issue a new Special
STATEMENT 26950: Use Permit for the Drakes Bay Oyster Company.

Representative Quote(s): **Corr. ID:** 956
Representative Quote: Please do not allow commercial oystering within Drakes Estero, the estuary within California's Point Reyes National

Seashore. Long range planning to return this to its natural state is best served by not continuing a commercial entity to impede that planning.

Corr. ID: 1211

Representative Quote: I oppose the issuance of a Special Use Permit to Drakes Bay Oyster Company (DBOC) for commercial harvesting and processing of shellfish at Point Reyes National Seashore.

Corr. ID: 3617

Representative Quote: I strongly believe that Drakes Estero should revert to wilderness when the Drakes Bay Oyster Lease expires on November 30, 2012. Thank you for considering my comments.

AL2000 - Potential Alternatives: Issue New SUP

CONCERN STATEMENT 26959: The EIS should consider an alternative that issues a Special Use Permit for DBOC for an additional 10 years.

Representative Quote(s): **Corr. ID:** 46

Representative Quote: It is my belief that Drakes Bay Oyster Company practises a clean, sustainable, local agriculture, hires local people, provides food and great public benefit for local populations.

Corr. ID: 3134

Representative Quote: I believe that DBOC should be granted a Special Use Permit that gives them an additional 10-year period of operation.

Corr. ID: 3624

Representative Quote: I would like to state that I support allowing Drakes Bay Family Farms operate under their renewable Special Use Permit for the farm, which will allow the farm to make necessary building repairs and/or replacements.

AL3000 - Potential Alternatives: Other Alternatives or Elements

CONCERN STATEMENT 26964: The EIS should consider an alternative that would issue a renewable Special Use Permit for a term longer than 10 years.

Representative Quote(s): **Corr. ID:** 3606

Representative Quote: I think the lease on Drakes Bay Oyster Company should be renewed indefinitely for future generations to enjoy.

Corr. ID: 4010

Representative Quote: Give them a permanently renewable permit!

Corr. ID: 4015

Representative Quote: I suggest that the EIS also examine the impact of granting DBOF a longer term, renewable Special Use Permits, which I believe will actually improve any permit holder's capacity for environmental stewardship; when these permits are as short as 5 years, there is little incentive to make capital investments in the most ecologically sound (or even restorative) technologies.

**CONCERN
STATEMENT 26965:**

The EIS should consider an alternative that would issue a Special Use Permit for the DBOC and incorporate stipulations to facilitate environmental protection of the Estero, including visitor limitations, protection of harbor seals, limitations on oyster farming practices that prohibit growth of other marine life, and elimination of debris within the Estero.

Representative Quote(s): **Corr. ID:** 43

Representative Quote: As a minimum, petroleum (gas and diesel) powered boats and vehicles should be prohibited.

Corr. ID: 55

Representative Quote: In my opinion, the oyster farm lease should be extended.

...

Surely the oyster operation will need to adhere to high environmental standards, recognizing that they are operating within a National Seashore. They will have to make concessions to the harbor seals and avoid leaving unsightly debris about. Mr. Lunny has already made considerable progress in making his farm and retail area an asset to the park.

Corr. ID: 183

Representative Quote: If operations are to continue, hopefully it will prohibit invasive species (Manilla clams). And operations would be limited to "traditional" methods, (not bags lying on bottom inhibiting other growth).

I support the operations under very limited conditions. Conditions that would honor both preservation and historic use, but not any increase in production.

Corr. ID: 2356 [flip chart at Berkeley public meeting]

Representative Quote: Consider capping the # of oysters that are harvested at DBOC. And/or consider partitioning the permit (spatially - eg exclude sandbars) so that the oyster operation can continue and the wildlife is protected.

Corr. ID: 3235

Representative Quote: Use what controls you need to assure no irreparable environmental damage is done and then let them raise as many of their fine oysters as they can.

Corr. ID: 3514 **Organization:** Mow&Sow

Representative Quote: Language can be inserted in the Act that would allow for the continued operation of just this company, without precedent that would apply to a destructive operation, with strict limitations on the sale of the company, on growth of the operation and on its day-to-day operations, which have been and could continue to be monitored.

**CONCERN
STATEMENT 26966:**

The Drakes Bay Oyster Company should move to another location, outside of Drakes Bay.

Representative Quote(s): **Corr. ID:** 1532

Representative Quote: Let the oyster growing operation relocate to a non-public owned location, they have had a good run at the park's expense.

Corr. ID: 1752

Representative Quote: There are other spots on the California coast that can accommodate aquaculture, such as nearby Tomales Bay, but there is only ONE Drakes Estero.

Corr. ID: 3593

Representative Quote: This operation could be transferred to Tomales Bay to available oyster lease areas to mitigate any socioeconomic impacts to maintaining the closure date of 2012.

**CONCERN
STATEMENT 26968:**

The EIS should consider an alternative that would not issue a Special Use Permit and require enhanced project options that direct the NPS to restore the wilderness area, wetlands, and land within the DBOC.

Representative Quote(s): **Corr. ID:** 4016 **Organization:** Sierra Club Marin Group
Representative Quote: Sierra Club Alternative #2 would remove the oyster operation as in the No Action Alternative and restore the land-based site to its former wetland/shoreline habitat as in Alternative #1, but would additionally restore Native American cultural resources, including removing non-native oyster shells and other commercial shellfish debris discarded on the nearby midden and interpreting Native American use of the Estero.

On this point we are in support of the May 21, 2007 letter from the Federated Indians of Graton Rancheria that stated:

"We believe the activities related to the current oyster farming In Drakes Estero are harming the FIGR/Coast Miwok traditional cultural landscape."

"The Federated Indian of Graton Rancheria support the intent of PL 94-544 that "It is the intention that those lands and waters designated as potential wilderness additions (Drakes Estero) will be essentially managed as wilderness, to the extent possible, with efforts to steadily continue to remove all obstacles to the eventual conversion of these land and waters to wilderness status."

Corr. ID: 4070 **Organization:** Defenders of Wildlife - Marine Program Associate

Representative Quote: 6. What additional protective values and habitat restoration measures should reasonably accompany removal of the commercial oyster operations from Drakes Estero, including wetland restoration in Schooner Bay,

**CONCERN
STATEMENT 26969:**

The EIS should consider an alternative that would not issue a Special Use Permit and would implement educational programs for the Estero's recreational users.

Representative Quote(s): **Corr. ID:** 4016 **Organization:** Sierra Club Marin Group
Representative Quote: Sierra Club Alternative #3 would remove the oyster operation as in the No Action Alternative, restore the land-based site to its former wetland/shoreline habitat as in Alternative #1, restore Native American cultural resources as in Alternative #2, but would additionally implement educational programs for the Estero's recreational users.

This Recreation Alternative would involve soliciting interested stakeholders, including kayakers, to suggest ways to demonstrate how to enjoy the Estero resource without disturbing wildlife or leaving a trace. This could include

outreach to kayak and other recreational communities, a designated kayak clean-up area to diminish threat from potential hitchhiking species and informational signage.

CONCERN STATEMENT 26971: The EIS should consider an alternative that would issue a Special Use Permit that includes provisions regarding labor practices.

Representative Quote(s): **Corr. ID:** 64
Representative Quote: If the Department of Interior decides to extend the lease of the oyster farm it must not allow the Lunnys to continue their exploitive labor practices. At the least DOBC should be required to e-verify if their workers have the right to work in this country.

CONCERN STATEMENT 26972: The EIS should include an alternative that would issue a Special Use Permit to extend the DBOC's lease for less than 10 years.

Representative Quote(s): **Corr. ID:** 168
Representative Quote: If you believe more study needs done & if authority exists, continue the lease for a year. If no more study needs done, or you must extend by ten years or not at all, then make it wilderness.

Corr. ID: 1242
Representative Quote: If the oyster company has been there for more than five years, I think I'd like to see them get an extension of a year or two during this economically difficult time. After that time no more commercial interests at all.

CONCERN STATEMENT 26973: The EIS should consider an alternative that would not issue a new Special Use Permit to the DBOC, but does not revert the land back to wilderness. The land should instead be offered back to the Coastal Miwok.

Representative Quote(s): **Corr. ID:** 216
Representative Quote: I would like to see use and access invitations extended to personal or commercial ventures of Coastal Miwok in lieu of a renewal of the current lease & use for oysters with a private company not historically related to the park area.

CONCERN STATEMENT 26974: The EIS should consider an alternative that issues a Special Use Permit to the DBOC and requires that a portion of their profits are used to maintain the park as a whole.

Representative Quote(s): **Corr. ID:** 322
Representative Quote: If profits were to go back into preserving the waterways and the lands I may feel differently but this is generally not the case.

Corr. ID: 3583
Representative Quote: Given the difficult state of government finances at all levels, I would like to suggest that if the permit is extended that it might make sense--as national policy--that any such commercial operations within federal jurisdictions and public trust resources be required to contribute a percentage of gross profits to a conservation and maintenance fund for the enduring protection of local and national resources, such as the Point Reyes Seashore and adjacent state and federal parks and wetlands.

Corr. ID: 3752

Representative Quote: While it is not currently the policy of NPS to be in commercial business, in the event that the SUP is granted to DBOC, the NPS should demand that NPS participate at least equally in the gross profits of DBOC.

CONCERN STATEMENT 26975: The EIS should consider an alternative that issues a Special Use Permit for oyster farming in Drakes Bay, but opens operation of the land to public bid.

Representative Quote(s): **Corr. ID:** 2386 [flip chart at Sausalito public meeting]
Representative Quote: Will the NPS put the operation out to competitive bid if extension is granted

Corr. ID: 3184 [flip chart at Point Reyes Station public meeting]
Representative Quote: If NPS is going to make special exemption in wilderness, why not put the commercial operation up for bid to general public?

Corr. ID: 3349 **Organization:** Resource Renewal Institute
Representative Quote: Second, since the Seashore is public property, the public should be able to collect rent. If the permit is extended the public should at least require a public bid on oyster farming in public property,. The same should be done on the grazing leases on the Seashore Llands.

CONCERN STATEMENT 26977: The EIS should consider an alternative that does not issue a Special Use Permit at this time. Conduct a control study over the next 10 years to determine the impacts of closing the oyster farm and then, based on the results, consider issuing a permit at a later date.

Representative Quote(s): **Corr. ID:** 4059
Representative Quote: (4) Evaluate closing oyster activities for 10 years for control study (Becker et al 2009 = 10 year study) of harbor seals,

CONCERN STATEMENT 26978: The EIS should consider an alternative that does not issue a Special Use Permit, but to offset the cost of closing the DBOC, increases the entry fee into the Park.

Corr. ID: 1614
Representative Quote: I feel that commercialization will not maintain the integrity and honesty of the experience. Raise the entry fees 1-2 dollars instead.

CONCERN STATEMENT 27612: The EIS should consider an alternative that issues a Special Use Permit and allows the cultivation of new species and construction of new facilities and facility improvements proposed by the DBOC.

Representative Quote(s): **Corr. ID:** 3151
Representative Quote: Assess project on build-out (maximum mariculture production according to CDFG lease) and assess impacts accordingly

Corr. ID: 4035 **Organization:** Drakes Bay Oyster Company

Representative Quote: DBOC requests that the EIS consider a SUP that permits the following activities:

1. Operation and maintenance of the farm under the same terms and conditions, with a reasonable annual fee, as the existing Reservation of Use and Occupancy and associated permits, including the possibility of renewal commensurate with DBOC's bottomland leases from CDFG in Drakes Estero.

2. Completion of activities evaluated and found to have no significant impact on the environment in the 1998 NPS Environmental Assessment and FONSI for Replacement and Rehabilitation of Facilities ("1998 EA"). The 1998 EA authorized several building replacement and rehabilitation projects, of which some have not yet been completed. See Table 1.

TABLE 1: Status of Activities Studied in 1998 EA

Activity Permitted By 1998 EA Status / Permitting Authority

New septic systems

Debris removal

Demolition of 6,590 sf building space

Demolition of 2,600 sf building space

Build new garage [900 square feet (sf)]

Build new seed plant (hatchery) [2,625 sf] Rehabilitate stringing plant [500 sf]

Build two-story Processing Plant / Interpretive Center [7,600 sf]

Build new fencing to screen residential use area Replace piers and docks

3. Provide for future consideration of renewable energy investments, including installation of solar panels.

4. Extension of the existing seawater intake pipeline to improve public health and hatchery efficiency, pursuant to plans previously provided to NPS. This extension will be 1,050 feet across the bottom of Drakes Estero, alongside the boat channel, for access to deeper, cleaner water. The pipeline will be anchored to the substrate and the screened end will be two meters, at a minimum, above the estero bottom. Plans for this pipeline have been delivered to CCC and the NPS.

5. Relocation of existing outdoor live-holding system used for seed storage and wet storage of retail shellfish.

6. Build cover over oyster washing pier per CDPH and FDA requirements to keep oysters out of direct sunlight after harvest.

7. Install outdoor display aquarium for interpretive purposes.

**CONCERN
STATEMENT 27746:**

The EIS should consider an alternative that would significantly increase shellfish production in Drakes Estero and maintain the Estero's ecological integrity.

Representative Quote(s): **Corr. ID:** 4013

Representative Quote: The widespread recognition of shellfish aquaculture as a truly sustainable alternative source of marine protein, and the fact of the doubling of human demand for protein by 2030, suggest that the most important question any such EIS must consider is how to significantly increase shellfish production in Drakes Estero in the near term while

continuing to maintain the Estero's ecological integrity into the foreseeable future.

IS1000 - Issue: Wilderness Act/Designation

CONCERN STATEMENT 26986: The NPS should consider full wilderness designation. Our wilderness areas should be protected and preserved. Preserve the intentions of the 1976 Point Reyes Wilderness Act. Terminate commercial operations at Drakes Bay and grant full wilderness designation to the Seashore in November 2012.

Representative Quote(s): **Corr. ID: 233**
Representative Quote: --The top priorities in decision-making should be providing maximum protection of wilderness resources and giving full effect to the 1976 Point Reyes Wilderness Act.

Corr. ID: 1077
Representative Quote: DRAKES ESTERO within the Point Reyes National Seashore has been waiting to receive full wilderness status for almost 40 years.
...
Congress designated Drakes Estero as potential wilderness in the 1976 Point Reyes Wilderness Act. The 1976 Act was the result of substantial public input and partnership agreements reached between ranchers and conservationists. More than 25,000 acres were designated for full wilderness protections and over 8,000 acres were designated as potential wilderness due to existing uses such as the commercial oyster operation.

The Congressional record clearly reflects Congress' intent that the Estero's potential wilderness areas would receive full wilderness designation and protection once Johnson's operating rights expired in 2012.

Corr. ID: 3195
Representative Quote: Please protect Drakes Estero in California's Point Reyes National Seashore and stay on course for implementation the longstanding plan for it to receive full wilderness designation in 2012.

Corr. ID: 4067 **Organization:** National Wildlife Foundation - Senior Water Resources Council
Representative Quote: (1) A new Special Use Permit would prevent the designation of Drakes Estero as wilderness, ignoring longstanding Congressional direction and the value of wilderness to the public.

CONCERN STATEMENT 26987: The Point Reyes National Seashore cannot be considered true wilderness, even if the oyster farm were to be shut down.

Representative Quote(s): **Corr. ID: 3543**
Representative Quote: There is not one inch anywhere within Point Reyes National Seashore that could be considered to be 'wilderness' according to the usage put forth by those advocating the closing of Drakes Bay Oysters. Their idea of restoring the area to one of 'purity,' goes against common sense.

Corr. ID: 3547
Representative Quote: The noble, but misguided, notion of some of our

over-zealous local environmentalists that it would be possible to re-create a "wilderness" in the area which has been cultivated for I believe over a hundred years is ludicrous -- it could only result in a Disney-esque sham.

**CONCERN
STATEMENT 27331:**

The EIS should define wilderness to include human activities.

Representative Quote(s): **Corr. ID:** 188

Representative Quote: It is a common perception that wilderness excludes human activity, and that wilderness is the best option for environmental protection. However, there are many cases throughout history, where careful cultivation & management improves quality of the land.

Corr. ID: 2386 [flip chart at Sausalito public meeting]

Representative Quote: Humans have a place in the Wilderness - including food production

Corr. ID: 3082 [flip chart at Point Reyes Station public meeting]

Representative Quote: Don't want to see man excluded from the concept of wilderness.

Corr. ID: 3184 [flip chart at Point Reyes Station public meeting]

Representative Quote: Before Europeans landed on this continent and applied their ag methods to the earth, indigenous people tended the wilderness - growing and harvesting food with respect for and understanding of the land and sea. Man has always been part of nature. The concept of "wilderness" - separate from humans and their growing/procuring of food - is a European construct.

Corr. ID: 3585

Representative Quote: The concept of wilderness is noble but our North American continent hasn't been "human free" for at least 10,000 years. We don't have any idea what it looked like or what kind of ecological balances were in place before those first "native Americans" arrived at the end of the last ice age.

**CONCERN
STATEMENT 27333:**

The EIS should not adopt a new definition of wilderness.

Representative Quote(s): **Corr. ID:** 3172

Representative Quote: The question then becomes 'what is wilderness.' There's a clear definition Congress & the park service uses for wilderness that I support. I know I can't mountain-bike in wilderness. I know I can't start a business collecting pine cones in wilderness and selling them. Wilderness is to preserve the "wild."

Furthermore, there is no need to redefine the word "wilderness" to accommodate a single company.

**CONCERN
STATEMENT 27649:**

The EIS should address what activities are allowed in wilderness areas.

Representative Quote(s): **Corr. ID:** 3082 [flip chart at Point Reyes Station public meeting]

Representative Quote: Want to know why we're not talking about boating, kayaking, hiking, mountain biking, trail hiking? Because if we're talking

about preserving wilderness, all these things (other activities) need to be considered as well for closure. If you're removing one element, you have to remove all other anthropogenic elements.

Corr. ID: 3409

Representative Quote: In contrast, the idea of a wilderness in the Drakes Bay area so pristine that an oyster operation intrudes is not realistic. The idea of a wilderness at all is necessarily marginal, given the number of roads, houses, visitors centers, parking lots, bath rooms and similar that dot the area. To make the wilderness idea meaningful, even as a remote goal of extensive restoration, the NPS would also have to close the facilities at Drakes Bay and South Beach, the road to the Lighthouse, and the seasonal bus service that transports folks to whale watching at Chimney Rock. And that's just for the visitors and NPS staff who live out there, since the numerous ranches still in operation also require access.

CONCERN STATEMENT 27659: The EIS should specify what would happen to kayak and hiker access to wilderness if Drakes Estero becomes a wilderness area.

Representative Quote(s): **Corr. ID:** 3083 [flip chart at Point Reyes Station public meeting]
Representative Quote: Q: if it becomes wilderness, will kayaks be prohibited?

IS2000 - Issue: Commercial Operations

CONCERN STATEMENT 26990: The NPS should ensure that the DBOC facility and operations are in compliance with critical rules and regulations set forth by the California Coastal Commission (CCC).

Representative Quote(s): **Corr. ID:** 3752
Representative Quote: 1. Out of Compliance. According to the California Coastal Commission (CCC) which regulates oyster operations, the DBOC has been repeatedly out of compliance with critical rules and regulations. In the five years they have owned this operation, they have failed to complete a Coastal Development Plan (CDP). We request that you find out the full nature of these violations, list them by date, and fines. Lisa Haage, Chief of Enforcement for CCC, states in the Point Reyes Light 1/14/10, "In the big picture they (DBOC) don't have a Coastal Permit for anything. We could have shut them down years ago-but we have been working really closely with them so we won't have to do that." Haage said that the Commission is less interested in fining DBOC than it is in protecting natural resources in Drakes Bay Estero. There are other letters. Please obtain letters regarding infractions from Peter Douglas, ED CCC. a. Because of non-compliance with basic rules of the CCC over so many years it appears DBOC is stalling until it receives a new use permit (SUP). Would a new use permit create a new baseline for this operation relieving it of responsibility for past damages to Drake Estero? b. On the basis of this abysmal record of non-compliance by DBOC, the PRNS is strongly challenged to end the present lease as required by Congress in 2012, and deny a new SUP.

CONCERN STATEMENT 26991: The NPS should promote local, small businesses.

Representative Quote(s): **Corr. ID:** 3588

Representative Quote: We should be encouraging and promoting small businesses that are doing things right within and without the Park domains.

**CONCERN
STATEMENT 26992:**

The EIS should consider that the DBOC is operated in an environmentally sound way.

Representative Quote(s): **Corr. ID:** 3291

Representative Quote: I have seen how the Johnson's ran the Oyster farm and how the Lunny's have run it. There is very little question in my mind that DBOC is being run in a very environmentally sound way.

Corr. ID: 3558

Representative Quote: Drakes Bay Oyster Co provides an excellent product that is grown and produced in a very sustainable way. They have been good stewards of the land and bay while providing seafood of the highest quality.

Corr. ID: 3586

Representative Quote: We need sustainable agriculture in Marin.

The oysters provide a beneficial form of aquaculture which needs no fertilizers, is self perpetuating, and is ecologically friendly.

**CONCERN
STATEMENT 26994:**

The EIS should address the appropriateness of commercial operations within a National Park.

Representative Quote(s): **Corr. ID:** 272

Representative Quote: The NPS should prioritize the long-standing wilderness designation vision over commercial private use.

The national parks are for the people, not for private profit.

Corr. ID: 3062

Representative Quote: This long-standing wilderness designation should not be annulled by allowing private commercial use of the area. The national park system is meant to preserve the area for itself and for all people, not for businesses seeking private profit.

Corr. ID: 3143

Representative Quote: Continued commercial development in a designated potential wilderness area in my view is counter productive to this mission.

Corr. ID: 3582

Representative Quote: Point Reyes combination of natural preservation with sensitive agricultural activity is unique and should be maintained. Drakes Bay Oysters provides us with a safe and local form of the food we love to eat and from our observation they are good custodians of the land.

Corr. ID: 4067

Organization: National Wildlife Foundation - Senior Water Resources Council

Representative Quote: (5) Issuance of a new Special Use Permit would place the commercial profits of one private company over the needs of the Park and the interests of the public.

IS3000 - Issue: Precedence

CONCERN

STATEMENT 26995:

The EIS should consider whether or not issuing a Special Use Permit would set a precedent.

Representative Quote(s): Corr. ID: 219

Representative Quote: This is a unique situation - I don't see that it needs to be interpreted as precedent setting for other places.

Corr. ID: 224

Representative Quote: Extending the lease for this farm will not set any national precedent. Some have raised the concern that this lease extension might set a precedent that would allow for farming in other "potential wilderness" areas. But the language in the bill specifically creates a special exception for this site from any legal restrictions that would prohibit the extension of the oyster farm's lease. Any dispute over potential wilderness another location would be governed by established regulations for potential wilderness; here those regulations simply do not apply. Thus, there is no basis whatsoever for interpreting the Secretary's decision here as establishing any precedent for applying potential wilderness regulations that are expressly deemed inapplicable to this site.

In addition, if there were any doubt about this matter, the legislation states: "Nothing in this section shall be construed to have any application to any location other than Point Reyes National Seashore; nor shall anything in this section be cited as precedent for management of any potential wilderness outside the Seashore."

So, there is no new precedent established.

Corr. ID: 2348 [flip chart at Berkeley public meeting]

Representative Quote: Under impacts, the EIS should consider what the precedent effect would be for people wanting to establish commercial operations in other national park units.

Corr. ID: 3111

Representative Quote: 3) Allowing commercial activity to continue in Drakes Estero beyond 2012 will set a dangerous precedent that will likely strengthen the ability of commercial interests to make inroads into public lands.

Corr. ID: 3144

Representative Quote: It is ludicrous to think that extending the permit for an operation that has existed for thousands of years will open the door to new commercial uses in other National Parks.

Corr. ID: 3227

Representative Quote: The precedent of allowing private commercial enterprises to farm in our National Parks on public land is a horrible precedent to start, and the support for doing this is coming from big agribusinesses who will want to expand the practice elsewhere into other National Park Land.

IS4000 - Issue: Planning Process

CONCERN

STATEMENT 26997: The EIS should be supported by accurate information.

Representative Quote(s): **Corr. ID:** 3211

Representative Quote: Furthermore, I believe that the existing reports on the impact of the operation are flawed and this EIS process will be important in putting the issue in context.

Corr. ID: 3599

Representative Quote: it appears that the science upon which the Park based their judgment was faulty.

Corr. ID: 3640

Representative Quote: The NPS distorted scientific information to justify not renewing the lease.

Corr. ID: 3707

Representative Quote: I am very concerned about the allegations that the Park Service and its supporters have manipulated or falsified scientific data in order to create a case for denial of the Use Permit. I think such actions are appalling.

CONCERN

STATEMENT 26998: Additional analyses should be conducted as part of the EIS process.

Representative Quote(s): **Corr. ID:** 3583

Representative Quote: There are two main areas that need redress in the DEIS that concern:

1. The impacts on national policy related to the designation, definition, protection, operation, maintenance and long-term viability of statutory "wilderness areas;"
2. The impacts on local communities from the standpoints of food production, employment, cultural and recreational resources, and--of critical importance--the relationship between these communities and the National Park Service.

Corr. ID: 3593

Representative Quote: In order to evaluate the most beneficial use beyond 2012 of Drakes Estero in light of the "National Park Service Mission", the scope of the NEPA/EIS should detail and analyze both the impacts of the presence of the introduced oyster (spat to harvestable maturity) and all aspects of the oyster production's impacts to:

- 1) all native benthic communities, both vertebrate and invertebrate;
- 2) resident and migratory marine and fresh water mammal populations;
- 3) resident and migratory fish populations;
- 4) resident and migratory bird populations;
- 5) the food chain;

- 6) tidal plankton, basis of food chain;
- 7) transport of disease or infection to native species;
- 8) transport of sediment;

CONCERN STATEMENT 26999: The National Park Service should adhere to all applicable regulations, including the National Environmental Policy Act of 1969 (NEPA), when preparing the Drakes Bay Oyster Company EIS.

Representative Quote(s): **Corr. ID:** 4067 **Organization:** National Wildlife Foundation - Senior Water Resources Council
Representative Quote: C. The EIS Must Evaluate the Extent to Which Alternatives Will Achieve the Requirements of the Environmental Laws and Policies Applicable to Point Reyes National Seashore
 "The primary purpose of an environmental impact statement is to serve as an action-forcing device" to insure that the policies and goals of the National Environmental Policy Act (NEPA) are infused into the decision making process. 40 C.F.R. ' 1502.1. The EIS must "state how alternatives considered in it and decisions based on it will or will not achieve the requirements of sections 101 and 102(1) of [NEPA] and other environmental laws and policies." 40 C.F.R. ' 1502.2(d) (emphasis added).

Corr. ID: 4067 **Organization:** National Wildlife Foundation - Senior Water Resources Council
Representative Quote: The legal and policy requirements that must be evaluated and addressed in the evaluation of alternatives, and that must be met by the recommended alternative, include:
 (1) The National Environmental Policy Act: The policy goals established by NEPA include a continuing responsibility on the part of the federal government to use all practicable means to: - "fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;" - "assure for all Americans safe, healthful, productive, and esthetically and culturally pleasing surroundings; [and]" - "attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences." 42 U.S.C. ' 4331(b).

CONCERN STATEMENT 27000: The National Park Service should not be subjected to political pressure.

Representative Quote(s): **Corr. ID:** 3227
Representative Quote: The USNPS people that run the National Seashore should be allowed to do their job which is to preserve the natural environment firs. They shouldn't be subjected to outside political pressure to do otherwise.

CONCERN STATEMENT 27001: The NPS should ensure that the EIS is fair and unbiased.

Representative Quote(s): **Corr. ID:** 3616
Representative Quote: Please make sure that the EIS is fair and unbiased and that it sticks to the facts, any false information pertaining to the EIS should not be used.

Corr. ID: 3634
Representative Quote: The EIS should be informed by the science of

oyster cultivation and scientific data available from a broad range of sources. It should reflect a fair and balanced study.

CONCERN STATEMENT 27002: The baseline condition for the EIS should not include oyster farming within the Estero.

Representative Quote(s): **Corr. ID:** 3151
Representative Quote: Baseline conditions need to be calibrated on no oyster operations in the estero DBOC operations represent a moving target in terms of volume and therefore impacts. Start w/ a hypothetical situation of no oysters and assess impacts from there.

CONCERN STATEMENT 27003: The EIS is not necessary.

Representative Quote(s): **Corr. ID:** 4121
Representative Quote: there is no justification for the decision to prepare an EIS prior to granting the SUP.

Corr. ID: 4121
Representative Quote: (8) Conclusion: There needs to be an independent and expert review of whether it is truly necessary to invest the time and money in preparing an EIS to evaluate potential issuance of a Special Use Permit to replace DBOC's Reservation of Use and Occupancy that expires in 2012. If it is determined that an EIS is necessary, the Secretary of the Interior needs either to delegate responsibility for conducting the review process to another agency within the DOI or, at a minimum, direct that no NPS employee who has been involved either in the scientific studies or dealing with legal issues relating to DBOC, whether in the NPS Regional Office, the San Francisco Field Solicitor's Office, or at the Seashore, should have any responsibility in any way for the conduct of that review.

IS5000 - Issue: Agricultural Land Use

CONCERN STATEMENT 27004: The EIS should address how closing the DBOC would impact agricultural operations within the Park.

Representative Quote(s): **Corr. ID:** 3084
Representative Quote: Concerns over whether pastural, grass-based Agriculture would be in jeopardy because of Water Quality legislation if Drakes Estero becomes wilderness

Corr. ID: 4088
Representative Quote: For that matter we are grateful to the National Seashore that it has helped to preserve productive ranches that provide meat and dairy products for local consumption.

CONCERN STATEMENT 27005: The EIS should consider adverse environmental impacts of agricultural (ranching and dairy farm) use.

Representative Quote(s): **Corr. ID:** 2359 [flip chart at Berkeley public meeting]
Representative Quote: If this area is wilderness, why aren't we restricting cattle grazing in the watershed? If we don't restrict cattle, then what are we preserving? Mariculture is natural & compatible with environment, cattle aren't.

Corr. ID: 2393 [flip chart at Sausalito public meeting]

Representative Quote: The oyster farm is one small outfit, which does not produce much pollution, whereas there are approximately 25 cattle ranches which produce much more pollution, as well as eat all of the grass, and smell terrible. Why focus on one small farm when there are so many more offensive other farms.

IS6000 - Issue: Historic Context

CONCERN STATEMENT 27011: The EIS should consider that oysters have been harvested from Drakes Estero since the area was inhabited by the Native Americans.

Representative Quote(s): **Corr. ID:** 2389 [flip chart at Sausalito public meeting]
Representative Quote: As evidenced by shell mounds from indian villages, oystering is a historical use of the estuary for over 10,000 years.

Corr. ID: 3231

Representative Quote: Native Americans were probably oyster farming at Drakes Bay long before anyone ever heard of N.P.S.!

Corr. ID: 4099

Representative Quote: Historically the site has been a source for commercial oysters since the gold rush. Native Americans gathered oysters here for centuries before that.

CONCERN STATEMENT 27013: The EIS should consider that oysters have been present within and farmed from Drakes Bay for generations, long before the designation of the National Seashore.

Representative Quote(s): **Corr. ID:** 3184 [flip chart at Point Reyes Station public meeting]
Representative Quote: Would like to see history of Drakes Bay Oysters respected & honored & given more consideration. It has gone on for generations.

Corr. ID: 3516

Representative Quote: There has been a long tradition of oyster farming there

Corr. ID: 3543

Representative Quote: The area around Drakes Bay, just like the rest of the Park, has been used by people to harvest oysters and other eatables for thousands of years. Aquaculture is historic here in West Marin, and was so long before the Park was even envisioned.

IS7000 - Issue: Carbon Footprint

CONCERN STATEMENT 27015: The EIS should consider that the carbon footprint associated with transporting oysters to San Francisco and the surrounding area would increase if the DBOC were to close.

Representative Quote(s): **Corr. ID:** 2356 [flip chart at Berkeley public meeting]
Representative Quote: Please consider the environmental impact of replacing this local food source with imported shellfish (climate, carbon

emissions, other air pollution, traffic...)

Corr. ID: 3215

Representative Quote: Growing oysters locally means that oysters do not need to be transported long distances. Long distance transportation requires fuel and adds harmful pollutants to the atmosphere. Growing food locally needs to be encouraged and maintained.

Corr. ID: 3581

Representative Quote: If DBOC did not exist, the oysters would have to be imported to the San Francisco Bay Area from other parts of the state and the country, thus increasing the carbon footprint

Corr. ID: 3618

Representative Quote: If this oyster resource is gone it would be replaced by another resource which would come from Oregon, Washington, the east coast, or the Pacific Rim, by plane, train or truck. And as it is a perishable product it has to be transported by refrigeration which is even more costly. The transportation and preservation of the product to be brought from its source into the Bay Area would leave a huge carbon footprint. How ecological is that? Grow local, buy local, and stay local; save the environment.

IT1000 - Impact Topic: Wilderness

CONCERN

STATEMENT 27017:

The EIS should consider impacts to wilderness associated with oyster farming, including those presented in existing research.

Representative Quote(s): **Corr. ID:** 1017

Representative Quote: Please review scientific research that shows that there are real adverse impacts for from an oyster operation on wilderness resources.

Corr. ID: 1044

Representative Quote: Consider the peer-reviewed research that concludes potential and real adverse impacts from the oyster operation on wilderness resources.

Corr. ID: 4071

Organization: National Parks Conservation Association

Representative Quote: The EIS process should fully assess all risks and impacts related to commercial uses of wilderness areas.

CONCERN

STATEMENT 27709:

The EIS should describe how continuing DBOC operations could be managed in the context of a potential wilderness area.

Organization: Marin Conservation League

Representative Quote(s): **Corr. ID:** 3720

Representative Quote: Park Operations and Management Finally, the proposed project presents an unusual challenge for Park management. If the special use permit is granted, the PRNS will have to find a way to manage for a period of ten years an operation that continues to be a non-conforming use, within an area designated as potential wilderness subject to relevant policies and requirements. The EIS has an obligation to analyze these policies and recommend mitigation measures that can reconcile terms of the

oyster farm permit that may conflict with wilderness management policies.

IT2000 - Impact Topic: Geological Resources

CONCERN STATEMENT 27026: The EIS should address impacts of mariculture on bathymetry in Drakes Estero.

Representative Quote(s): **Corr. ID:** 3701 **Organization:** Audubon Canyon Ranch, Cypress Grove Research Center

Representative Quote: 2. The EIS should thoroughly and specifically address the ecological effects of mariculture on natural sedimentation and hydrologic processes in the Drakes Estero estuary. The evaluation of this issue should include both localized and estuary-wide effects of oyster culture operations. The analysis of each potential effect should include the impacts of the rate and structure of sedimentation on benthic and other estuarine species for which habitat suitability is influenced by the quality or dynamics of sediment processes. Please provide quantitative documentation in your response to this issue and incorporate an analysis of the potential for significant effects that cannot be statistically detected by available data. A critical part of this evaluation will be to assess and describe the possible influence of potential baffling of currents by culture racks or other structures and the ecological effects of oyster pseudofeces that cause fine silts to settle. Answers to these questions should clearly address the effects of specific oyster culture methods and structures associated with current and proposed activities by Drakes Bay Oyster Company.

Corr. ID: 4079 **Organization:** Environmental Action Committee of West Marin - Executive Director

Representative Quote: ??To what extent does "Historic" or even currently permitted placement of racks and bags account for the changing bathymetry of the Estero?

IT3000 - Impact Topic: Water Resources

CONCERN STATEMENT: The EIS should describe the DBOC water/septic systems, including whether the systems function properly and meet applicable standards.

Representative Quote(s): **Corr. ID:** 3738 **Representative Quote:** DBOC uses almost no fresh water in their farming operation.

Corr. ID: 4069 **Representative Quote:** ? What is the status of the wastewater systems for the shore-based operations?

Corr. ID: 4069 **Representative Quote:** ? Is the septic system adequate to handle the current volume of employees and visitors? As DBOC expands their picnic services, workshops and group events, will the septic system, be adequate?

Corr. ID: 4069 **Representative Quote:** ? Is the drinking water source at the shucking plant of high enough standards to meet the sanitation needs of commercial food preparation?

Corr. ID: 4079 **Organization:** Environmental Action Committee of West Marin - Executive Director

Representative Quote: ??What is the status of the fresh and salt water supplies for the mariculture operation?

Corr. ID: 4108

Representative Quote: What is the status of the fresh and salt water supplies for the mariculture operation? Is the drinking water source at the shucking plant of high enough standards to meet the sanitation needs of commercial food preparation?

CONCERN STATEMENT 27187: The EIS should consider the effects of run-off from the asphalt paving adjacent to wetlands and the Estero.

Representative Quote(s): Corr. ID: 4071 **Organization:** National Parks Conservation Association

Representative Quote: ??Consider the effects of run off from the asphalt paving adjacent to wetlands and the Estero. If the "No action" alternative does not include removal of the asphalt, consider an enhanced restoration alternative that does remove the asphalt. Discussion In their Consent Cease and Desist Order (#CCC-07-CD-11) in 2007 the California Coastal Commission expressed concern over the operator's seawater collection, use and discharge systems.

CONCERN STATEMENT 27189: The EIS should address the potential for impact to water resources related to production levels.

Representative Quote(s): Corr. ID: 4069

Representative Quote: In 1998 in preparation for a re-build of a sub-standard septic system, there was an Environmental Assessment done for Johnson's Oyster Co. that established a production cap of 700,000 lbs of mariculture product. The cap was presumably tied to a capacity to handle water and wastewater needs. Has this cap been met and/or enforced?

CONCERN STATEMENT 27191: The EIS should consider human-caused pollution on water resources.

Representative Quote(s): Corr. ID: 3083 [flip chart at Point Reyes Station public meeting]
Representative Quote: The plastic tubes are #1 item found in coastal cleanup @ Drakes Beach 2010 - i.e. net floats. Therefore the oyst. operation is point source of pollution into seashore & sanctuaries

Corr. ID: 4071 **Organization:** National Parks Conservation Association

Representative Quote: To summarize this section:
??Oceanic conditions greatly influence both primary and secondary production within Drakes Estero
??There is low risk of cultural eutrophication in most of Drakes Estero; algal blooms in the Estero are unlikely to be caused by human activities around the Estero;
??Native suspension-feeding organisms adequately perform ecosystem services (clearance and nutrient coupling) that are sufficient in a clean bay like the Estero

CONCERN

STATEMENT 27192: The EIS should describe DBOC's water quality and public health testing.

Representative Quote(s): **Corr. ID:** 6

Representative Quote: Drakes Bay Oyster Farm is also responsible for more water sampling, oyster meat sampling and phytoplankton sampling than any other sampler on the California coast. These data are crucial to the state of California's monitoring programs to ensure environmental protection, public health, and further scientific awareness of marine biotoxins.

Corr. ID: 3228

Representative Quote: Largest sampler of marine biotoxin data used by CDFG in making public health determinations

CONCERN

STATEMENT 27193: The EIS should describe impacts on water resources from mariculture.

Representative Quote(s): **Corr. ID:** 188

Representative Quote: The oyster farm plays a vital role in the health of Drakes Bay, acting as filter feeders in a water shed that includes area grazed pasture (certainly not wilderness). We don't know what the water quality of the Bay would be without the oysters playing this important role in the ecosystem.

Corr. ID: 3191

Representative Quote: For instance, we have learned through our visits to the farm that the oysters' filter feeding has beneficial impacts to water quality and their presence benefits the habitat for other animals and plants that share the Seashore's diverse ecosystem.

Corr. ID: 3593

Representative Quote: Nonnative oysters, clams and other introduced invertebrate species drastically change the estuary's water environment. These introduced invertebrates strip the water column of food sources that should be feeding native invertebrate species. Many of the native invertebrates function as the food source for native and migrating fish, birds and animals that frequent Drakes Estero.

Corr. ID: 4066

Organization: Californial Coastal Commission - Coastal Program Analyst

Representative Quote: 4. Please analyze any proposed sources of ocean water entrainment or waste water discharge associated with the operation,

Corr. ID: 4069

Representative Quote: Non-native oysters used in mariculture are powerful "ecosystem engineers" which alter natural habitat and natural ecosystem

processes (NRC 2009, p. 21). This means that these introduced oysters filter volumes of water, reduce phytoplankton concentrations, modify habitat structure, change the species composition, alter nutrient concentration and food web characteristics, and deposit sediments. For example, "Decreased chlorophyll a levels downstream of oyster reefs are as high as 25% (Cressman et al 2003), 37.4% (Grizzle et al 2006), and 27.9% (Grizzle et al 2008)." (Zabin et al. 2010)

NRC decided to present a conclusion that the filtration features of introduced, non-native oysters are "beneficial" without comparable consideration of negative effects of these ecosystem engineering functions on native species or the benefits of the existing native shellfish and other filter feeding organisms in the Estero.

CONCERN STATEMENT 27197: When describing impacts on water quality, the EIS should consider various published sources of information.

Representative Quote(s): **Corr. ID:** 4069

Representative Quote: Issues for the EIS

...

? There is excellent water quality and low risk of eutrophication in most of Drakes Estero (NRC, 2009, p. 26-27). There is no evidence of human caused eutrophication problem in Drakes Estero. (Anima, 1991)

Corr. ID: 4069

Representative Quote: The EIS needs to make a careful and critical review of the NRC (2009) presentation of water quality "benefits" from benthic/pelagic coupling and filtration by cultivated nonnative shellfish, in Drakes Estero. Not all relevant research seems to be applied correctly and some is not considered at all. Two citations from NRC (2009) seem misinterpreted: Carroll et al., (2008) and Jackson et al., (2001). Even though Dumbauld was a member of the NRC study panel, his relevant work on west coast estuaries was omitted from NRC (2009). The work was in press while the NRC report was prepared. (Dumbauld et al. (2009) Received 30 October 2008, Received in revised form 22 February 2009)

IT4000 - Impact Topic: Marine/Estuarine Resources

CONCERN STATEMENT 27157: When describing impacts on marine/estuarine resources, the EIS should consider various published sources of information.

Representative Quote(s): **Corr. ID:** 513

Representative Quote: Oyster operations, research shows, will adversely affect the ecosystem

Corr. ID: 3500

Representative Quote: Numerous studies have been conducted in Drakes Bay by scientists in the Park Service and at U.C. Davis and none have found any significant adverse effects on the environment or natural resources in the region resulting from shellfish farming. Similar conclusions were reached by a committee of experts convened by the National Research Council to investigate Shellfish Mariculture in Drakes Estero and their 139 page report issued in 2009 substantiates this. (<http://www.nap.edu/catalog/12667.html>)

Corr. ID: 3606

Representative Quote: It seems despite "scientific" studies there is no evidence that oyster farming in any way damages Drakes Bay.

CONCERN STATEMENT 27166: The EIS should consider the impacts of kayaks on marine and estuarine resources.

Representative Quote(s): Corr. ID: 4009

Representative Quote: Have opponents of the farm considered the intrusiveness of kayakers into Drakes Bay? Seems that is much more worrisome for the marine life.

CONCERN STATEMENT 27169: The EIS should describe the footprint of the oyster farm in the Estero.

Representative Quote(s): Corr. ID: 2389 [flip chart at Sausalito public meeting]

Representative Quote: Current harvesting takes less than 2% of estuary and should be continued.

Corr. ID: 3084

Representative Quote: Oyster harvests occupies only approximately 2% of the estuary.

CONCERN STATEMENT 27171: The EIS should address impacts on the ecology of the estuary.

Representative Quote(s): Corr. ID: 3108

Representative Quote: 8) What are the ecological consequences of extractive commerce removing up to 500,000 pounds (250 tons) of biomass (nutrients) from the estuary annually?

Corr. ID: 3711

Representative Quote: The oyster farming activities have been demonstrated to be a compatible use of the Estero for decades. At this point their ecosystem services have become an integral part of the ecological function of the Estero. Denial of the Special Use Permit for the DBOC would have profound negative impacts on the ecosystem structure and function that should be fully analyzed and assessed.

Organization: Sierra Club Marin Group

Corr. ID: 4016

Representative Quote: Even with such an alternative outside wilderness (albeit rendering the former wilderness buffer meaningless), a high resource threat of invasive tunicates, the spreading of marine waste from "oyster tubes," the harm to eelgrass under and on route to oyster racks, and the disruption of wildlife use of the occupied estero?all continue to exist. Thus the EIS should develop ways to substantially mitigate these and other risks. Even with such an alternative, the precedential value (and threat to protective NPS policy) still exists from authorizing such commercial rights within NPS.

Corr. ID: 4067

Organization: National Wildlife Foundation - Senior Water Resources Council

Representative Quote: 2. The EIS Must Assess the Risks and Impacts of Non-Compliance with Conditions Established by a New Special Use Permit to Protect the Environment

Issuance of a new Special Use Permit to DBOC includes a significant risk that DBOC will violate conditions attached to the permit designed to protect the environment, and other applicable regulations. The EIS must consider the impacts of the likely failure to comply with conditions placed on the Special Use Permit on the ecological health of Drakes Estero and the many sensitive species that utilize the Estero.

DBOC has a long history of violating the conditions of its Special Use Permit and the Reservation of Use. DBOC's predecessor, the Johnson Oyster Company, similarly had a long history of environmentally destructive violations. These violations have been documented by the California Coastal Commission and others. Regardless of whether these violations have been deliberate or the result of human error, they have resulted in significant adverse and unnecessary impacts to Drakes Estero and the species that utilize the Estero. The EIS should analyze the history of non-compliance by DBOC and its predecessor and use that analysis to inform the decision maker and the public about the true risks and potential adverse impacts associated with issuance of a new Special Use Permit.

Given the long history of non-compliance with permit conditions and terms, any analysis of impacts based on the assumption that the conditions attached to a new Special Use Permit would be strictly complied with would present a false picture of the impacts of issuing a new Special Use Permit.

Corr. ID: 4067 **Organization:** National Wildlife Foundation - Senior Water Resources Council

Representative Quote: Drakes Estero, a 5,000-acre shallow tidal estuary located in the heart of the Point Reyes National Seashore, is an ecological treasure. The Estero is designated as an Area of Special Biological Significance by the State of California, a site of regional importance by the Western Hemisphere Shorebird Reserve Network, and Essential Fish Habitat and a Habitat Area of Particular Concern under the Magnuson-Stevens Fishery Conservation and Management Act. In 1974, the Park Service concluded that:

"In terms of preserving and protecting marine life systems, Drakes Estero and Limantour Estero could well be considered the most significant ecological units within the National Seashore."

National Park Service, Final Environmental Impact Statement on Proposed Wilderness in Point Reyes National Seashore, 1974.

CONCERN STATEMENT 27173: The EIS should consider the role of oysters as an indicator species for the Estero.

Representative Quote(s): **Corr. ID:** 3083 [flip chart at Point Reyes Station public meeting]
Representative Quote: Oysters are indicator species - they act as a canary in the coal mine ie. presence indicates the health of the Estero

CONCERN STATEMENT 27181: The EIS should consider that DBOC provides oyster shells for ecological restoration.

Representative Quote(s): **Corr. ID:** 6
Representative Quote: As the state's last operating oyster cannery, Drakes Bay Oyster Farm has a unique resource: piles and piles of oyster shells. Over \$10,000 worth of shell has been donated to the Native Oyster Restoration Project in the San Francisco Bay.⁷ The shell has been used to create a reef onto which native oyster seed can attach. The farm has also donated shell to the Western Snowy Plover Recovery Project. The shells provide excellent camouflage for adults, eggs, and chicks, increasing plover nest density and

nesting success.

Corr. ID: 3793

Representative Quote: The EIS committee must analyze the following topics as these are all critical to weighing the decision on Drakes Bay Oyster Farm.

...

20 - Donations from the farm

21 - Oyster shell for habitat enhancement

22 - Oyster shell for native oyster restoration

Corr. ID: 4103

Organization: Drakes Bay Oyster Company

Representative Quote: ? Oyster shell is in high demand for many habitat enhancement projects, but importing oyster shell from out of state requires costly transportation and extensive pathological analyses to address non-native invasive species introduction. DBOC operates the last oyster cannery in California, making it the only significant, continuous, and renewable source of oyster shell in the state. In analyzing the No Action Alternative and other Alternatives, the EIS must study the potential adverse effects of the loss of this local shell resource on regional habitat enhancement projects, specifically the loss of benefits to the species and ecosystems targeted. DBOC regularly contributes this shell for the purposes of Endangered Species Act habitat restoration and habitat enhancement, including the San Francisco Bay Native Oyster Restoration Project and the San Francisco Bay Bird Observatory Snowy Plover Habitat Enhancement Project, as well as other projects with other non-profits and government agencies.

CONCERN

STATEMENT 27762: The EIS should address impacts to marine plant and animal species.

Representative Quote(s): **Corr. ID:** 3391

Representative Quote: There are direct benefits in terms of habitat, with increase in eelgrass, and diversity of plant and fish life.

Corr. ID: 4071

Organization: National Parks Conservation Association

Representative Quote: Detailed comments on EIS Scope - suppression of native oyster population

Drakes Estero has at least two populations of native oysters. One is at Bull Point in wild habitat (Ben Becker, NPS, pers. comm) and the other is on Pacific oyster shell fill placed in the waters next to the DBOC land facility (Jim Moore, Bodega Marine Lab, pers. comm.). Even though the population of native oysters is small in Drakes Estero, that fact does not mean that the species should be purposefully harmed by issuing a new oyster lease. "Many prior evaluations of oyster introductions suggest that introduced species had little impact on native populations in part because the native species was already at such low densities (Gouletquer & Heral 1991, NRC 2004). This suggestion begs the question of whether the new species has any impact on the ability of the native species to recover'certainly, competition can occur even when one species is rare." (Ruesink, et al, 2005). Under the laws and policies that govern units of the National Park System, any changes from natural conditions -including the natural abundance, diversity and genetic and ecological integrity of the plant and animal species native to those ecosystems'is of concern. (Dennis, 2009.)

Although NRC (2009) is to be commended for raising awareness of the native Olympia oyster, that first report erroneously stated that native oysters

were no longer present in Drakes Estero. In addition, given the significance of threats to the native species in this bioregion, NRC should have reported how cultivated oysters hinder the recovery of native oysters to whatever degree they were present historically. (Ruesink et al, 2005, and Trimble et al, 2009).

IT5000 - Impact Topic: Terrestrial Resources

CONCERN

STATEMENT 27151: The EIS should address the potential impacts on upland habitat and species.

Representative Quote(s): **Corr. ID:** 3083 [flip chart at Point Reyes Station public meeting]

Representative Quote: I support maximum protection of native species & their habitats.

Corr. ID: 3148

Representative Quote: This partnership approach supports a diversity of plant & animal life

Corr. ID: 4070 **Organization:** Defenders of Wildlife - Marine Program Associate

Representative Quote: 10. What role, if known, does the avian,...upland habitat provided by Drakes Estero play in interacting with the regionally-important larval retention zone off of Point Reyes for certain marine species?

CONCERN

STATEMENT 27153: The EIS should consider the best available science when evaluating impacts to birds.

Representative Quote(s): **Corr. ID:** 3083 [flip chart at Point Reyes Station public meeting]

Representative Quote: NPS needs to consider the best available science in decision making; specifically impacts to birds.

Corr. ID: 3108

Representative Quote: I communicated with Robert Paine, the avian biologist who contributed that section of the NRC report, and he admitted that the treatment of waterbirds was wanting. In his words:

"The committee, including the NRC staffers, originally had hoped for a brief first report, maybe just 12-15 pages of report. We were very wrong in that assessment, but it essentially dictated that all the sections initially be brief. So the bird section is 'thin'. [Quote an email from Robert Paine to Jules Evens May 31, 2009].

CONCERN

STATEMENT 27711: The EIS should address wildlife management.

Representative Quote(s): **Corr. ID:** 4100

Representative Quote: 16. The whole acreage of the Point Reyes Peninsula is not large enough for a complete ecosystem with top predators etc. so how will the Park manage wildlife with species reproducing the absence of predators? Who will make the decisions in a wilderness that is not a true wilderness? When the elk were brought to Pierce Point, the Park personnel promised to keep them behind a fence but the population outgrew the designated area for the elk and some have now been trucked to farms where

they eat grass that belongs to a rancher who pays rent. When the Park decided to get rid of exotic deer, it was expensive and controversial. The Lunny operation and other ranching operations provide an opportunity for more consistent wildlife management by having a constant presence on the land.

CONCERN STATEMENT 277149: The EIS should describe the role of the Estero in providing foraging and breeding grounds for birds, fish, and harbor seals.

Representative Quote(s): **Corr. ID:** 1077

Representative Quote: The estero is the ecological heart of the seashore and provides foraging and breeding grounds for birds, fish, and harbor seals. More baby seals are born in the estero than anywhere else along the Central Coast.

Corr. ID: 2303

Representative Quote: Estuaries serve as nurseries to sea life: crab, salmon & other wildlife. They must be protected.

IT6000 - Impact Topic: Species of Special Concern

CONCERN STATEMENT 27113: The EIS should address the impacts on special status bird species.

Representative Quote(s): **Corr. ID:** 4079

Organization: Environmental Action Committee of West Marin - Executive Director

Representative Quote: Issues for the EIS pertaining to special status birds: ??Habitat for western snowy plover should be identified, mapped and protected ??Does the mariculture increase the potential for disturbance or displacement of special status birds, including brant, peregrine falcon, brown pelican and western snowy plover? ??Describe the effects on birds from oyster racks and daily watercraft intrusion into eelgrass. Consider the flushing distance of brant as boats travel through eelgrass and the feeding habits of brant ??Describe the potential effects of bags on tidal flats and worker presence in interfering with grit gathering and resting by brant ??The EIS should guide the NPS's compliance with The Pacific Flyway Management Plan for Brant (Revised July 2002)

Corr. ID: 4079

Organization: Environmental Action Committee of West Marin - Executive Director

Representative Quote: 4. The EIS Should Evaluate Impacts from 10 More Years of Mariculture on Migratory Waterbirds Generally, Particularly Shorebirds

Drakes-Limantour Esteros are part of a group of interrelated coastal wetlands identified as wetlands of hemispheric importance (Harrington and Perry 1995). This network of habitats holds more total shorebirds in all seasons than any other wetland in the conterminous U.S. Pacific coast (Stenzel et al. 2002). The proximity adds to the value of each site within this network of wetlands. Southern Pacific Shorebird Conservation Plan (2003). The Southern Pacific Shorebird Conservation Plan, one of 11 regional plans associated with the US Shorebird Conservation Plan, states that tidal flat is the primary foraging habitat of many of the region's most abundant shorebirds. The Plan seeks to increase migratory and wintering populations

of all key shorebird species in the region using protection, restoration, enhancement, and management strategies. More specifically, the Plan indicates that various oyster culture practices affect shorebird access to potential food resources in species-specific ways and advises against further development of tidal flats for oyster culture. It comments that restrictions on kayaking in Drakes Estero from March to June, to reduce disturbance to harbor seals (*Phoca vitulina*), probably also reduces human disturbance of spring-migrating shorebirds.

CONCERN

STATEMENT 27114:

The EIS should address impacts to harbor seals and include a description of harbor seal buffer zones and DBOC boat operations.

Representative Quote(s): Corr. ID: 16

Representative Quote: The estero is an extremely rare and sensitive ecosystem and a pupping location for vast amount of harbor seals. Oyster boats have repeatedly been seen passing very close to the haulout sites, causing seals to flush into the water. Hauling out is necessary for the seals to maintain temperature, lactate, birth and raise their young, and molt. When seals and pups are flushed into the water by man-made stimuli like oyster boats, we are negatively impacting their welfare. This is/should be prohibited by the Marine Mammal Protection Act, which clearly states that the mammals should be given a wide berth.

Corr. ID: 182

Representative Quote: Concerning the environment; Seals are not stupid animals, if they can't pup in one place they will simply move on.

Corr. ID: 3626

Representative Quote: The scientific evidence recently revealed in the Point Reyes Light shows without doubt that the Oyster Farm doesn't harm the seals in the area. The photographs taken by the park service over a period of time shows that kayakers disturb the seals NOT the Oyster Farm.

Corr. ID: 4017

Organization: CA Farm Bureau Federation

Representative Quote: 5) The EIS must consider the impacts to harbor seals is DBOC is removed. Since 1992, Drakes Estero has been closed to kayak use from March 1 to June 30 in order to prevent disturbances to harbor seal pups. However, many uninformed kayakers still attempt to use Drakes Estero during the annual closure. Because the Drakes Estero launch site is located at DBOC, the owners and employees have taken it upon themselves to stop and educate would-be kayakers during the annual closure.

Corr. ID: 4079

Organization: Environmental Action Committee of West Marin - Executive Director

Representative Quote: B. Harbor Seals

The goal of maximum protection, preservation and restoration of natural resources (including harbor seals) and therefore the goal of minimizing mariculture disturbance to the greatest extent possible, simply cannot be achieved with any form of mariculture. This is because even with amplified buffers and other potential mitigation efforts, there is still a risk of potential impacts, including those due to human-related errors. A review of DBOC violations to their special use permit, including those regarding harbor seal protections, is long and appalling. These errors have potentially negatively impacted harbor seals. Documented errors have included placing mariculture materials within protection areas and operating motorboats within protected corridors.

Corr. ID: 4101

Representative Quote: The NPS has recommendations to park visitors for keeping a safe distance of 90 meters from the harbor seals to avoid disturbance occurrences. Is this distance kept while oyster operations are being conducted?

Corr. ID: 4103

Organization: Drakes Bay Oyster Company

Representative Quote: ? The EIS should also analyze the positive impacts that the oyster farm's operations have on the protection of harbor seals. The farm's presence discourages recreational kayakers and other recreationalists from disturbing the seals. In 1992, the NPS, NOAA, and CDFG recognized that kayak and oyster boat use in Drakes Estero during harbor seal pupping season could harm the harbor seal population due to disturbances. Since 1992, Drakes Estero has been closed from March 1 to June 30 to kayak and canoe use, and oyster boats have been restricted to certain areas during that period. DBOC not only adheres to this protocol, but also encourages others to do the same. Many well meaning, yet uninformed, kayakers attempt to use Drakes Estero during the annual closure. As the Drakes Estero kayak launch site is located at the oyster farm, DBOC staff regularly stop would-be kayakers during pupping season, educate them about the closure and why it exists, and suggest alternative kayak locations. This EIS must consider the adverse effects to harbor seals if the oyster farm is removed. Additionally, the 2009 NAS Report found that no causal link between seal disturbances and oyster farming could be concluded from the data and studies that NPS relied upon. See 2009 NAS Report at 41, 43, 44. The NPS seal monitoring program's volunteers made recording errors and omissions; these observations therefore have "limited utility." Id. at 44. The one modeling study for potential maricultural impacts to the harbor seals was also compromised, and thus, does not demonstrate any "causal link." Id. at 43. This EIS must acknowledge the inconclusive data and should consider all best available science, including any pending or future data, reports or other science including the PRNS camera program that directly pertain to DBOC's impacts or lack thereof on seals in Drakes Estero.

**CONCERN
STATEMENT 27115:**

When describing impacts on harbor seals, the EIS should consider various published sources of information, including the scientific research presented in previous reports, such as the Becker Report (2010) and the National Research Council (NRC) report on Shellfish Mariculture in Drakes Estero (2009).

Representative Quote(s): **Corr. ID:** 3081 [flip chart at Point Reyes Station public meeting]

Representative Quote: NPS needs to give full consideration for the Becker 2010 report which shows a negative correlation between oyster production & harbor seals.

Corr. ID: 3639

Representative Quote: The 2009 National Academy of Sciences report on the impacts of mariculture in Drakes Estero is the most comprehensive review of existing scientific information on the question of environmental impacts of oyster cultivation in Drakes Estero and must provide the scientific basis of any EIS. A paper by Dr Ben Becker, an employee of the NPS, has been extensively quoted by the NPS, however, Becker's paper uses data points based on observations by Park volunteers that have been proven to be erroneous by NPS time/date stamped photographic evidence revealed subsequent to the publication of Becker's paper. Use of that paper or of its

discredited data would undermine the integrity of the entire EIS process. Becker's paper therefore cannot and must not be used as a source of information on oyster farm impacts on harbor seals.

An extensive review of the impacts of oyster mariculture on Harbor Seals in Drakes Estero, including a detailed review of Dr Becker's data and conclusions, has been conducted by the Marine Mammal Commission (MMC), and a draft comprehensive report is expected to be released within the next six weeks (by year end, 2010). A final report is expected by the end of February, 2011. The EIS process cannot proceed without this MMC report, and cannot ignore its findings. The MMC involvement, at significant taxpayer expense, was invited by the Sierra Club and the National Parks Conservation Association. The MMC report, upon its release, must immediately be incorporated within the body of any EIS pertaining to this matter.

Corr. ID: 4071 **Organization:** National Parks Conservation Association

Representative Quote: Detailed comments on EIS Scope

Identify critical seal habitat in the region. Research conducted in Drakes Estero confirms that this is an important year-round haul-out site and seasonal pupping area on Point Reyes, a coastline which supports approximately 20% of the mainland California harbor seal population during the breeding season (Allen, 1988). The population of seals using Drakes Estero swells during breeding season. Females with pups tend to use sand bars separate from males, and seal haul out sites in the upper and middle Estero are more important to mothers and pupping seals than the haul outs at the mouth (Allen, 1988), and the upper sites are closest to the mariculture operation.

Consider that undisturbed habitat may limit breeding populations. NRC (2009, p. 44) states "the remote nature of the Estero, combined with an absence of marine predators and other pinnipeds, make this an important habitat for harbor seals. This is reflected in the use of the estero by harbor seals for breeding'Drakes Estero, along with the Double Point colony, consistently accounts for a large fraction of the pups at Marin County haulout sites (Truchinski et al., 2008)." "Intertidal sand banks provide habitat for seals to give birth and suckle their pups or rest during the nonbreeding season, and other estuarine areas provide foraging habitat (Wright et al., 2007) and areas where breeding adults engage in underwater display and aquatic mating (Van Parijs et al., 2000; Hayes et al., 2004)." (NRC, 2009, p41) As NRC (2009, p. 22) notes: "Human activities and development have displaced harbor seals from traditional habitats in areas such as San Francisco Bay, highlighting the importance of Drakes Estero as a relatively unmodified habitat." Sydeman and Allen (1999) report on the state of the harbor seal population in Farallones region and state: "We are unclear as to the limiting factors now affecting harbor seals in central California, but we suspect undisturbed habitat may be limiting breeding populations on the mainland."

**CONCERN
STATEMENT 27123:**

The EIS should address the role the Estero plays in supporting special status species.

Representative Quote(s): Corr. ID: 33

Representative Quote: Drakes Estero has been, and is now, a vibrant, healthy, and stable home to a flourishing seal colony, as well as a large population of small sharks and rays that are thriving alongside oyster farm activities.

Corr. ID: 538

Representative Quote: The estero and its watershed is already home to several endangered plants and animals, contains one of the most populous harbor seal haul-outs on the Central California coast, and serves as an important bird habitat and stop-over on the Pacific Flyway.

CONCERN

STATEMENT 27124: The EIS should address impacts to eelgrass.

Representative Quote(s): **Corr. ID:** 203

Representative Quote: The eel grass is thriving because the oysters filter out the water so the light can get down to where the grass grows.

Corr. ID: 3617

Representative Quote: What about disturbance to eel grass beds in the Estero that support black brandt, a bird species of special concern in California? The black brandt is a species of small goose that is closely tied to, and dependent on, eel grass in coastal bays. They are present in this area during spring and fall migration as well as during the winter. Brandt have declined in numbers along the California coast due to hunting pressure and to a decrease in the amount of eelgrass on which they forage. What about direct impacts to the geese themselves? Flocks of black brandt have traditionally rested and foraged in Drakes Bay. I think they would be susceptible to disturbance resulting from the presence of employees and boat traffic associated with operation of the oyster company.

Corr. ID: 3673 **Organization:** Audubon California

Representative Quote: The genus *Zostera* seagrass found in lush beds in Drakes Estero is rooted aquatic plant that supports numerous fish and invertebrates, and their avian and mammalian predators. Seagrasses are in decline throughout much of the world, with rates of loss accelerating from a median of 0.9% per year before 1940 to 7% per year since 1990. These declines have been brought on by filling of shallow waters, dredging, and eutrophication. Due to the high biological value of seagrasses and their susceptibility to decline, management agencies and private interests around the world and on the U.S. west coast are increasingly planning for, and investing in, their restoration.

Corr. ID: 3673 **Organization:** Audubon California

Representative Quote: Furthermore, D rake's Estero is one of only five critical wintering sites in California for Black Brant (*Branta bernicla nigricans*), a California sub-species of special concern and an eelgrass obligate feeder. Thousands of these sea geese stage in California en route between wintering areas in Baja and subarctic breeding grounds. Their numbers have declined dramatically since the 1960's; the major cause of this decline is thought to be a reduction in eelgrass in estuaries, sloughs and embayments. Drakes Estero holds a critical 8% of the state's eelgrass habitat.

5

The Department of Fish and Game makes clear that our state has a special responsibility for protecting migratory populations of Black Brant, primarily

by protecting and restoring eelgrass sites; it cites these (among other) management recommendations for the state, drawn from the Pacific Flyway Council:

1. Maintain quantity and quality of eelgrass habitats. Ensure they are defended against sedimentation, eutrophication, disturbance, exotic organisms, contaminants and other threats;
2. Determine the historic and current extent and quality of eelgrass habitats at all major wintering and staging areas;
3. Protect gritting sites from disturbance and degradation.

Corr. ID: 4025

Representative Quote: Second, motorboat travel to and from the oyster racks can damage the tops of the eelgrass upon which Brant and other denizens of the estero rely for food or shelter. The solution here is obvious: the boats should carefully follow narrow routes over the eelgrass beds so that damage to them is minimized, and the routes should be changed every so often so that the narrow routes can fully recover. Such a solution can make the damage to the eelgrass effectively negligible.

Corr. ID: 4067

Organization: National Wildlife Foundation - Senior Water Resources Council

Representative Quote: Drakes Estero also supports at least seven percent of the State of California's eelgrass habitat, which provides important habitat for fish and other species. Thirty-five species of fish have been observed within eelgrass beds in either Drakes Estero or in nearby Estero de Limantour. Eelgrass provides important nursery habitat and foraging habitat for many species of birds, including Black Brant. Eelgrass also plays an important role in stabilizing the substrate and in nutrient cycling.

**CONCERN
STATEMENT 27129:**

The EIS should address past DBOC violations related to operating in harbor seal protection areas.

Representative Quote(s): **Corr. ID:** 14

Representative Quote: I understand that in December 2009 the DBOC was fined \$62,000 by the California Coastal Commission for illegally operating in a harbor seal protection area in Drakes Estero.

**CONCERN
STATEMENT 27135:**

The EIS should identify all potential and listed threatened and endangered species and critical habitat within the project area, and should identify which habitats have the potential to be impacted by the proposed project.

Representative Quote(s): **Corr. ID:** 4141

Organization: US Environmental Protection Agency

Representative Quote: The DEIS should identify all petitioned and listed threatened and endangered species and critical habitat that might occur within the project area. The document should identify and quantify which species or critical habitat might be directly or indirectly affected by each alternative. We recommend that the DEIS include a biological assessment, as well as a description of the outcome of consultation with the U.S. Fish and Wildlife Service under Section 7 of the Endangered Species Act.

CONCERN

The EIS should evaluate the proposed project's consistency with the

STATEMENT 27140: National Marine Fisheries Service's California Eelgrass Mitigation Policy.

Representative Quote(s): **Corr. ID:** 4066 **Organization:** Californial Coastal Commission - Coastal Program Analyst

Representative Quote: 2. Please evaluate the proposed project's consistency with the National Marine Fisheries Service's California Eelgrass Mitigation Policy when evaluating the relationship between eelgrass habitat in Drakes Estero and the commercial shellfish aquaculture operation.

IT7000 - Impact Topic: Floodplains/Flood Zones

CONCERN The EIS should address how development in the floodplain impacts the
STATEMENT 27109: Estero.

Representative Quote(s): **Corr. ID:** 4108

Representative Quote: FLOODPLAINSIFLOOD ZONES

Issues for the EIS

Evaluate the potential impacts to the Estero by regular flooding of the shore-based operation.

Discussion

Most of the shucking plant and landing areas of the shore-based operation is already subject to flooding. NPS has numerous photographs from a significant flood event in 2005. Submerged buildings and equipment represent a risk of contaminants (fuel, chemicals, etc) being inadvertently allowed into the Estero. Much of the site is on unengineered (and unpermitted) fill that is potentially subsiding.

CONCERN

STATEMENT 27796: The EIS should consider past and potential future impacts on floodplains.

Representative Quote(s): **Corr. ID:** 3525

Representative Quote: Land contours and natural drainage have not been affected by the current or previous oyster operations. There is no basis for suggesting the oyster operations in any way affect floodplains, floodzones, or wetlands. In nearly 40 years of direct observation of the wetlands near the oyster operations, I can attest there has been no observable change.

IT8000 - Impact Topic: Wetlands

CONCERN

STATEMENT 27098: The EIS should describe impacts on wetlands.

Representative Quote(s): **Corr. ID:** 4066 **Organization:** Californial Coastal Commission - Coastal Program Analyst

Representative Quote: Wetlands Commercial shellfish aquaculture operations in Drakes Estero currently include the placement/presence of bottom-culture shellfish bags and wooden rack structures in estuarine wetland areas,

8. Please describe the amount, location and type of materials that are proposed to be placed, maintained and/or present in the intertidal or subtidal reaches of Drakes Estero as part of the proposed shellfish aquaculture operation.

9. Please discuss the potential adverse environmental effects of these activities, if any, including potential effects on the functional capacity of the

estuary,

10. Please also evaluate the feasible mitigation measures that may be available to address these effects and whether or not feasible less environmentally damaging alternatives would also be available.

Corr. ID: 4069

Representative Quote: Effects Of Shellfish Mariculture On Wetlands

Issues for the EIS ? Which alternative best protects wetland natural resources and natural conditions? Ending mariculture allows restoration of the wetlands, wetland buffer, and removal of the shell fill and asphalt at the DBOC facility in a manner consistent with needs to protect sacred sites and natural resources. Issuing an SUP will postpone such restoration and potentially increase impacts. ? Evaluate impacts of any capital improvements planned and desired by DBOC that may further impact wetland buffer and wetlands. ? Consider that Marin's LCP highlights the importance of wetlands in the region and prohibits most development within wetlands, consistent with Coastal Act 30233, and requires a 100-foot buffer for all wetlands from which most development is similarly excluded. ? Are there permits for the picnic and grilling facilities, group events and visitor workshops? Do these facilities increase septic requirements, vehicle trips, parking, and auto waste runoff? Which project alternative minimizes these effects? ? Are there potential impacts from water lines and water discharges into the wetlands? ? Consider the potential impact from chemicals in asphalt paving and oil from parked vehicles at the site that may be leaching or draining into wetlands? Should that continue for ten more years? ? Consider the potential impact of wakes of boats on wetlands along the boat routes, especially pulling barges back and forth,. ? For all potential wetlands impacts, consider a full planting of the maximum use of the 1000 acre DFG lease excluding the seal protection zone, and the additional boat trips involved as well as truck trips to ship products. ? Assess the effectiveness of removal of mariculture from Drakes Estero as a strategy for removing disturbance/impairment to wetlands.

Corr. ID: 4079

Organization: Environmental Action Committee of West Marin - Executive Director

Representative Quote: [Wetland] Issues for the EIS

...

??Evaluate impacts of any capital improvements planned and desired by DBOC that may further impact wetland buffer and wetlands.

??Consider that the shoreline facility is within Marin's LCP which prohibits most development within wetlands, consistent with Coastal Act 30233, and requires a 100 foot buffer for all wetlands from which most development is similarly excluded. Would new building or expansion sought by DBOC under the new SUP violate LCP buffers on wetlands?

Corr. ID: 4108

Representative Quote: WETLANDS

Issues for the EIS

Evaluate the impacts of the shore-based facilities on the adjacent wetlands, considering the negative impacts of traffic (employee, trucking, retail), industrial noise, parking runoff, picnic facilities, lights and elevated human presence in such close proximity to a wetland. Evaluate the restoration potential of the transitional/tidal marsh that is currently lost beneath the production plant and parking fill. Evaluate the potential damage to wetlands along the shoreline by boat and oyster barge wakes.

Discussion

The ponding to the northeast of the shore-based facilities seems indicative of a significant freshwater source that once created a transitional freshwater/saltwater marsh. Clean-up at the expiration of the mariculture lease should include removal of structures, fill and other impediments to functional tidelands and adjacent wetlands.

IT9000 - Impact Topic: Soundscapes

CONCERN

STATEMENT 27091: The EIS should consider the impact of noise associated with oyster farming.

Representative Quote(s): **Corr. ID:** 2359 [flip chart at Berkeley public meeting]

Representative Quote: The negative acoustic/sound impacts to all species that utilize the estero & call it home must be considered in the EIS

Corr. ID: 3465

Representative Quote: The impact of DBOC motorboats operating on the Estero affects the ability of visitors to experience solitude and wilderness. The noise and sound of the motorboats should therefore be considered in relation to their impact on visitors.

Corr. ID: 3498

Representative Quote: The operation of Drakes Bay Oysters has a very low, very local, and only intermittent sonic impact. There is no evidence suggesting otherwise. Nor is there evidence suggesting that the local, low level and intermittent sounds from the production process adversely affect anything.

Corr. ID: 3617

Representative Quote: Has anyone looked at the use of the Estero by birds and considered impacts on them from the noise and disturbance related to operation of a commercial mariculture business?

Corr. ID: 4069

Representative Quote: ? Motor boats, loud radios, and pneumatic shucking equipment spoil the soundscape and disturb wildlife.

Corr. ID: 4079

Organization: Environmental Action Committee of West Marin - Executive Director

Representative Quote: G. Soundscapes

NPS must consider the impact of noise from oyster operations on the wilderness experience (noise including pneumatic hammers, motorboats, stereo/radio that oyster workers use).

CONCERN

STATEMENT 27094: The EIS should address protection of the natural soundscape.

Representative Quote(s): **Corr. ID:** 3083 [flip chart at Point Reyes Station public meeting]

Representative Quote: Provide the best protection for the natural soundscape.

IT10000 - Impact Topic: Cultural Resources

**CONCERN
STATEMENT 27074:**

The EIS should assess whether or not the oyster operations and their associated structures are a cultural resource.

Representative Quote(s): **Corr. ID:** 194

Representative Quote: Drakes Bay is a cultural resources in West Marin. It is the only oyster farm within the National Seashore and is one of the most visited cultural resources within the Seashore.

Corr. ID: 3392

Representative Quote: I urge you to consider that this is the last operating oyster cannery in State, which is continuing a long-standing tradition of oyster cultivation and means a great deal to people in the community who have seen so much of our history plowed under or placed out of reach by seemingly well intentioned acts.

Corr. ID: 4017

Organization: CA Farm Bureau Federation

Representative Quote: 3) The EIS must consider the cultural and historical impacts of removing DBOC from Drakes Estero. Oysters have been historically produced in Drakes Estero since the time of the Native Americans. The Point Reyes National Seashore was established with the responsibility of preserving the historic agriculture and aquaculture of the area. The cultivation of oysters is an important part of the historical and cultural environment of Drakes Estero.

Corr. ID: 4071

Organization: National Parks Conservation Association

Representative Quote: - The EIS should consider the enabling legislation, policy directives, and the 1980 General Management Plan, which all conclude that the oyster operations or their associated structures are not a cultural resource.

Corr. ID: 4129

Representative Quote: In the case of cultural resources, I believe that the 60-year-old oyster farm complex at Drakes Estero may be eligible for the National Register of Historic Places, and it is imperative that an unbiased evaluation be done to determine its eligibility. I have seen first hand, situations where an agency can influence the outcome of a DOE based on the management desires of staff. Oyster farming at Point Reyes is a historic activity, and one that draws the interest of visitors. Dairying, cattle ranching, crop farming, and aquaculture are all important parts of our American heritage. Oyster farming has the least environmental impact of any.

**CONCERN
STATEMENT 27070:**

The EIS should consider whether or not eating oysters qualifies for protection under Federal law as a cultural resource

Representative Quote(s): **Corr. ID:** 4079

Organization: Environmental Action Committee of West Marin - Executive Director

Representative Quote: [Cultural Resources] Issues for the EIS

...

??To what extent does eating oysters qualify for protection under federal law as a cultural resource?

**CONCERN
STATEMENT 27075:**

The EIS should evaluate the potential for integrated cultural land management.

Representative Quote(s): **Corr. ID:** 2359 [flip chart at Berkeley public meeting]
Representative Quote: Would like to see integrated cultural land management

CONCERN STATEMENT 27077: The EIS should include an evaluation of the use of Drakes Estero by Native Americans and consider consultation.

Representative Quote(s): **Corr. ID:** 2389 [flip chart at Sausalito public meeting]
Representative Quote: Please include an analysis of Drakes Estero and the surrounding beach areas as having been an area of cultural importance to the Miwok people prior to the existence of any commercial oyster operation in that locale.

Corr. ID: 2393 [flip chart at Sausalito public meeting]
Representative Quote: The Miwok Indians gathered shell fish in this area before white men arrived. Please study negative effect of terminating oyster growing & gathering on the NPS' charge to preserve cultural resources, it contradicts their charge & purpose to preserve the cultural resources

Corr. ID: 3083 [flip chart at Point Reyes Station public meeting]
Representative Quote: The Coast Miwok Indians & their heritage in this Wilderness Area must be considered (impacts from oyst. operation on their sacred lands). Therefore the baseline from which environmental impacts should be measured, is wilderness under their governance & stewardship of these lands.

Corr. ID: 4141 **Organization:** US Environmental Protection Agency
Representative Quote: Coordination with Tribal Governments
Executive Order 13175
Executive Order 13175, Consultation and Coordination with Indian Tribal Governments (November 6, 2000), was issued in order to establish regular and meaningful consultation and collaboration with tribal officials in the development of federal policies that have tribal implications, and to strengthen the United States government-to-government relationships with Indian tribes.
The DEIS should describe the process and outcome of government-to-government consultation between the NPS and each of the tribal governments within the project area, issues that were raised (if any), and how those issues were addressed in the selection of the proposed alternative.

CONCERN STATEMENT 27079: The EIS should consider the human history of Drakes Estero.

Representative Quote(s): **Corr. ID:** 3224
Representative Quote: In addition, a place is also about its human history. To see an oyster farm in operation, to meet the people, see them at work, to buy oysters, this closes the loop for me on why it's important to care for the ocean.

CONCERN STATEMENT 27081: The EIS should address protection of Native American cultural resources.

Representative Quote(s): **Corr. ID:** 3184 [flip chart at Point Reyes Station public meeting]

Representative Quote: Would like to see Native American cultural sites better protected & respected w/ removal of oyster operation.

Corr. ID: 4071 **Organization:** National Parks Conservation Association

Representative Quote: The protection of all elements of the environment at Point Reyes National Seashore, including Coast Miwok sacred sites should be of primary focus and priority for the National Park Service. We hope you will continue your efforts to return this area to its wilderness status.

IT11000 - Impact Topic: Socioeconomic Resources

CONCERN STATEMENT 27058: The EIS should consider the impact to local employment and regional income.

Representative Quote(s): **Corr. ID:** 195

Representative Quote: In times of economic turmoil, DBOC is providing jobs and income to the community. The owners provide fair wages to their employees, and often provide housing as well. DBOC also draws many city residents, tourists, and even schools into the community, bringing income to many of the local merchants and services.

Corr. ID: 1684

Representative Quote: As a Travel Facilitator and Interpreter for foreign groups visiting our National Parks, I am more aware than any other American of the financial value and beauty of our National Parks which belong to every American.. It is of vital importance for our economy and our future generations to keep and protect these parks which generate millions of Tourist dollars every year for the parks and all the industries attached to the hospitality industry. ... Do we want to kill the very profitable Tourist Industry which is much less invasive as the mining Industry? We must act with conscience and intelligence and not give in to big business with the only thing left that belongs to all of us and our future generations. As it is, we have spoiled already in a few centuries, the Natural beauty of this country, through our folly, ignorance and cupidity..Lets work together to keep and improve these parks, our National Heritage.

Corr. ID: 2356

Representative Quote: The EIS should evaluate the beneficial socio-economic impact of the ecotourism & education that DBOC provides.

Corr. ID: 3567 **Organization:** Marin County Agricultural Commissioner

Representative Quote: Drakes Bay Oyster Company is the second largest employer within the Pt. Reyes National Seashore. DBOF employs approximately 35 men and women, many of whom live at the farm, working at year round jobs to support their families. These families spend money locally, have children that attend the local schools and pay local taxes. These working families are striving for economic and social status working to improve their lives and their children's lives within the community. They are a fabric of our society and the loss of any of these jobs would have a tremendous impact on their lives and the social fabric of the community where they live. The children of these working families attend local schools affecting the school income from attendance fees from State agencies. There are also many indirectly-related local jobs that are created as a result of

oysters grown at the DBOC, including jobs at restaurants, markets as well as for jobs involved in marketing and distribution of the shellfish.

Corr. ID: 3874

Representative Quote: California right now is in dire straits, and what this state needs more are businesses with a strong desire to continue long-lasting traditions that benefit the State and the visitors who comes.

Corr. ID: 3874

Representative Quote: The sole reason for my visit was for the famous oysters (and cheese) that can be had in the area. If my willingness to travel 8 hours to visit an oyster farm in Northern California is any sign to how special that farm is to the region, then I can only assume the beneficial impact it must have on the local economy. Not just by my visiting the farm itself, but the subsequent visits to other local farms, restaurants, and shops.

Corr. ID: 3994

Representative Quote: - Shutting the DBOC operations down would further stress the local jobs situation during this time of fragile economic recovery.

Corr. ID: 4137

Representative Quote: In the first place I would like to briefly address economic benefits of the DBOC. The oyster farm not only benefits the local area of Marin and Sonoma Counties, but rather the entire state. The Lunny Family provides jobs and affordable housing. The employees in turn spend the money they earn in the local market. ... In a time of declining employment, it seems only logical that every person should be working to maintain opportunities for employment. The Lunny Family and the employees of the Lunny family are producing a positive monetary impact on the local area and the state as a whole.

CONCERN

STATEMENT 27060:

The EIS should consider the impact to low-income housing in West Marin.

Representative Quote(s):

Corr. ID: 3938

Representative Quote: - What will be the impact on the supply of low-income housing in West Marin if the five housing units at DBOC are demolished, as were the two units at what is now the Giacomini Wetlands?

CONCERN

STATEMENT 27061:

The EIS should consider non-market values.

Representative Quote(s):

Corr. ID: 3720

Organization: Marin Conservation League

Representative Quote: Other, non-market values should be considered - values that cannot be purchased but exist rather in the knowledge that wilderness exists for future generations - termed existence and bequest values. In this context, the activities, motorboats, noise onshore from the oyster operation might be viewed as having a negative effect on the expected solitude of a wilderness area and the knowledge that such opportunity for solitude exists. Still another value to be considered is that of ecosystem services, beyond the revenues derived from oyster production, such as habitat for many organisms, nutrient cycling, air and water quality, storm regulation, etc. These services have been estimated in a number of general studies using shadow prices.

CONCERN

STATEMENT 27062:

The EIS should consider impacts related to costs to import oysters.

Representative Quote(s): **Corr. ID:** 47

Representative Quote: The reason I would like Drakes Bay Oyster Co. to remain open is because, as I understand, they supply the bay area and beyond more than 50% of the oysters that are produced in Marin and served in restaurants and food markets.

Corr. ID: 208

Representative Quote: With the large population in the Bay Area, it is essential to provide (and preserve) local food sources, especially as oil and transportation costs will increase sharply in the next 5 years and beyond.

Corr. ID: 4017 **Organization:** CA Farm Bureau Federation

Representative Quote: Economic Impacts to Consider 1) This EIS process must fully investigate the impact of the loss of State oyster production and how it would affect our State's economy by sending dollars out-of-State versus keeping the dollars in our State's economy. California's statewide shellfish production cannot currently meet California's own demand for shellfish. DBOC currently produces nearly 40% of the oysters grown and 100% of the oysters shucked and packed in California.

CONCERN

STATEMENT 27065:

The EIS should consider the contribution of DBOC to local, affordable, food availability.

Representative Quote(s): **Corr. ID:** 3583

Representative Quote: In point of fact, oysters are not an essential food product in the same sense as livestock, dairy, produce and fiber. This particular food product is a luxury item for those who can afford the premium prices, just like boutique wines. We can do nicely without either product in terms of basic subsistence. Is there any species that is dependent on commercially grown oysters?

Corr. ID: 3588

Representative Quote: Drakes Bay Oyster Company is an excellent local food source that serves all of us. It is very important to maintain our safe, local food supply.

Corr. ID: 3615 **Organization:** Marin Organic

Representative Quote: This is of vital importance to the Bay Area who will local food in the event of a national disaster.

Corr. ID: 4123

Representative Quote: As a local food source, 100% of Drake's Bay oysters are marketed in the San Francisco Bay Area.

Corr. ID: 4126

Representative Quote: The EIS should assess DBOC claims about benefits to food security and protein source for the Bay Area. Are DBOC oysters a low cost source of protein for the Bay Area and what proportion of Bay Area food is supplied by DBOC?

We have seen and heard public relations information from DBOC claiming to supply affordable protein and provide food security for the San Francisco Bay Area. The EIS should provide a critical assessment of those claims. DBOC supplies a negligible amount of food and protein to the Bay Area and

it is expensive. We put oysters into the luxury food category: far too expensive to be a primary source of protein when one is putting food on the table to feed a family.

How much does it cost to supply protein for a family? SEE CHART IN LETTER

Oysters are not an affordable source of food and protein to feed a family. If the DBOC supply of food and protein was removed from the SF bay area the effect would be negligible - - infinitesimal.

SEE CHART IN LETTER

A range is shown because estimates of consumer weight purchased exceed estimates from dietary surveys. Both estimates are shown above from Food Consumption in San Francisco and the Bay Area, Chapter 3 of the San Francisco Foodshed Report, at farmland.org

[http://www.farmland.org/programs/states/cal/Feature%20Stories/documents/Chapter 3 foodshed.pdf](http://www.farmland.org/programs/states/cal/Feature%20Stories/documents/Chapter%203%20Foodshed.pdf)

With either estimate the DBOC food and protein contribution is very small. When Drakes Estero oyster production was low in 2000-2004 consumers did not complain. Probably no one noticed.

Corr. ID: 4136

Representative Quote: D. The question of food security and oysters as a protein source is used as a justification for the permit being granted. In the San Francisco Bay area, oysters account for less than one half of one percent of the animal protein consumed. It is an expensive specialty product and is not a significant protein source.

**CONCERN
STATEMENT 27222:**

The EIS should describe conditions of the Estero that allow year-round shellfish harvesting.

Representative Quote(s):

Corr. ID: 3567 **Organization:** Marin County Agricultural Commissioner

Representative Quote: These growing waters contain California's only "Approved" status growing area. Approved status means that there are no harvest closures due to potential pathogens in storm water runoff following rainfall. This identifies the fact that Drakes Bay Oyster Farm is the only shellfish farm in California with the potential of harvesting every day, year round.

Corr. ID: 3587

Representative Quote: Drakes Bay Oyster Company produces a substantial amount of food in a very efficient manner. Has the NPS considered the environmental impact of substituting the production of DBOC? The estuary is unique as a source of oysters. Both in terms of quality and year-round availability the estuary rewards our community and the state with a food source that cannot be replicated. Could you please provide us with your cost-benefit analysis in replacing this food source with another? I think it is important that, even if the cost in certain terms is higher than the benefit, the public be informed as to the trade-off and that the NPS demonstrate that it has taken the food production issue into consideration.

Corr. ID: 4017 **Organization:** CA Farm Bureau Federation

Representative Quote: DBOC is home to the only fully approved growing area in the State, and therefore is the sole farm that has the authority to harvest year-round.

IT12000 - Impact Topic: Visitor Experience/Recreation

CONCERN

STATEMENT 27043: The EIS should consider visitor enjoyment related to eating DBOC oysters.

Representative Quote(s): **Corr. ID:** 3224

Representative Quote: I see the oyster farm as an integral part of the Drakes Estero Experience. There's no greater pleasure than to buy some oysters, paddle down the estero to the sea, and eat the oysters with friends on a sand beach. There are few truly wild places in California.

Corr. ID: 3267

Representative Quote: 2. No other oysters are fresh and tasty when I have it at the Oyster Farm.

--> It is one of my life time pleasure that driving relax with beautiful scenery of Drakes Bay and can have chances to eat nature freshness of oyster. Nothing can be replacable with it.

Corr. ID: 3649

Representative Quote: My family and I have been visiting the Point Reyes area for years, and one of the high points of our visits have definitely been the visit to Drakes Bay Oyster Farm. We are always assured of the high quality and wonderful taste of the oysters we purchase there.

CONCERN

STATEMENT 27044: The EIS should consider visitor experience in wilderness.

Representative Quote(s): **Corr. ID:** 2389 [flip chart at Sausalito public meeting]

Representative Quote: The oyster operation is part of enjoying the wilderness. We need to continue supporting a great example of sustainable aquaculture versus shutting it down.

Corr. ID: 2558

Organization: Californians for Western Wilderness (CalUWild)

Representative Quote: I am writing on behalf of the more than 780 members and supporters of Californians for Western Wilderness (CalUWild), an unincorporated citizens organization dedicated to encouraging and facilitating citizen participation in legislative and administrative actions affecting wilderness and other public lands in the West. Our members use and enjoy the public lands all over the West.

Corr. ID: 3112

Representative Quote: The National Park Service is supposed to protect our wild lands and that is what I expect NPS to do with Drakes Estero. National parks are for the people, to have a place to enjoy and find peace within our only remaining wilderness places. Can the NPS please practice some integrity in this country.

Corr. ID: 4079

Organization: Environmental Action Committee of West Marin - Executive Director

Representative Quote: J. Visitor Experience/Recreation
??NPS must consider the impacts to visitor experience/recreation by creating the only place on the West Coast where one can recreate within a marine wilderness area and get a marine wilderness experience (wildlife viewing, education).

CONCERN

STATEMENT 27045: The EIS should consider the impact to the scenery within Drakes Estero.

Representative Quote(s): **Corr. ID:** 2389 [flip chart at Sausalito public meeting]

Representative Quote: Please address the extent of the visual impact or the lack thereof of the oyster operation on the major area of the estero.

Corr. ID: 2529

Representative Quote: I lived in CA for years and spent many a happy weekend at Pt. Reyes, being a tourist and visiting friends. It is truly one of the most beautiful and significant places on our continent.

Corr. ID: 3610

Representative Quote: Although I no longer live in the Marin County area, I grew up in that area and have hiked, ridden bikes, and camped at Pt. Reyes National Seashore hundreds of times. I have hiked the Estero Trail many times and the views across the bay headwaters to the oyster pens was something I always stopped to look at.

Corr. ID: 3701

Organization: Audubon Canyon Ranch, Cypress Grove Research Center

Representative Quote: 6. The EIS should evaluate the effects of oyster culture on the scenic values of the Drakes Estero estuary. This evaluation should account for potential increases in human activity associated with continued mariculture and the possibility of promotional activities that could lead to an increase in the number of visitors to the oyster processing facilities.

Corr. ID: 3771

Representative Quote: Visual Pollution

The racks, made of pressure treated wood, are exposed at high tide and stretch across much of the waters of the center and northern reaches of Drakes estero. They are a hazard for kayakers and an eyesore for hikers.

Corr. ID: 4066

Organization: Californial Coastal Commission - Coastal Program Analyst

Representative Quote: Visitor Experience/Recreation/Visual Resources
The quality of coastal visitor experience and recreational opportunities is often closely linked to aesthetic and visual resources as well as the availability of access.

6. Please analyze the commercial shellfish aquaculture operation's effect, if any, on coastal access opportunities and the visual and aesthetic qualities of the project area.

CONCERN

STATEMENT 27048: The EIS should evaluate the change in visitor experience at the Estero over time.

Representative Quote(s): **Corr. ID:** 4109 **Organization:** Tomales Bay Association

Representative Quote: 5. Park user impacts:

During the period of late 1960s to present, how has the average number of visitors to the park changed? How many automobile trips are there currently past Drakes Estero on Sir Francis Drake Blvd? Is this significantly greater or lesser than in the late 1950s or early 1960's?

How have the trails in proximity of Drakes Estero been utilized? Are there more or fewer number of trails? Has this increased or decreased access to the Estero? Is there greater or lesser use of these trails during the last 40 years?

CONCERN STATEMENT 27050: The EIS should evaluate the potential impacts on the visitor experience/recreation.

Representative Quote(s): **Corr. ID:** 409

Representative Quote: Not only is this area of great significance as a biological area, but it provides visitors with an example of the geological history of North America.

Corr. ID: 3951

Representative Quote: I have been very concerned after hearing that a part of our lives will be gone forever. The Drakes Bay Oyster Co. has been an important part of our Marin lives. It is a destination point for weekends and vacation time and an important part of the culture in this area.

Corr. ID: 4066 **Organization:** Californial Coastal Commission - Coastal Program Analyst

Representative Quote: 7. In addition, please evaluate the water-oriented recreational activities that occur in the project area and the potential of the proposed project to affect these activities.

Corr. ID: 4108

Representative Quote: My personal recreational experiences in the Seashore have been significantly damaged by DBOC and their relentless campaign to extend business beyond 2012. For more than 40 years I have explored the shoreline of the Estero, fishing and clamming but mostly enjoying the wildness of an undeveloped piece of the coast. A true believer in the importance of wilderness in general and Point Reyes designated wilderness in particular, I was here when the 1976 Point Reyes Wilderness Act was made into law and have been looking forward to the lease expiration in 2012 so that the Estero can be returned to a much deserved wild state. Instead of witnessing a timely wind-down in operations, I see a ramping up of production with new gear types in new locations. Instead of discovering native Pacific littlenecks as I clam, I find non-native manila clams that have apparently just naturalized along the shore of the Estero, making the predictable jump from mariculture bag to competing with natives for a place in the inter-tidal zone. Beachcombing on Drakes Beach after a winter storm, I find the beach littered with plastic debris, some of it clearly originating from the mariculture operation.

Corr. ID: 4115

Representative Quote: The times I've spent in various parts of Drakes Estero have been magical. Because of the oyster operation it's not as pristine or untrammled as it could be.

CONCERN STATEMENT 27052: The EIS should consider how controversy over this subject has affected visitor experience.

Representative Quote(s): **Corr. ID:** 4108

Representative Quote: DBOC's cynical assaults on park staff and park volunteer programs impair visitor experience. I have been a park volunteer

for many years and am continually impressed with the natural resource managers of this park and the programs they provide that engage the public with protecting park ecosystems and species of special interest. Direct and personal attacks in the local press on Park volunteers are unconscionable and will lead to a rapid decline in volunteer participation across a range of Park programs.

CONCERN

STATEMENT 27056: The EIS should consider the interpretive/ education opportunities at the site.

Representative Quote(s): **Corr. ID: 6**

Representative Quote: Drakes Bay Oyster Farm is the only farm within Point Reyes National Seashore that is open to the public. Visitors are given the rare opportunity to fully experience and understand the history of agriculture within the Point Reyes National Seashore, the sustainable farming practices used around and within Drakes Estero, and the sensitive balance of both producing food and protecting nature in the important working landscapes of Marin County.

Corr. ID: 2393 [flip chart at Sausalito public meeting]

Representative Quote: Oyster farming provides an opportunity to learn and develop ecological aquaculture. Having an oyster farm can function in a cooperative atmosphere with our academic institutions, like UC Davis when we develop successful agricultural and aquacultural opportunities we improve our cultural resources.

Corr. ID: 3201

Representative Quote: Second I have enjoyed touring their facility on several occasions and have found it very interesting from both a historical and educational point, being able to learn how the oysters are raised and harvested.

Corr. ID: 3411

Representative Quote: It is time the Park get with it. How about instituting programs to help local sustainable ranches and the oyster farm thrive? Why not educate the public visiting PRNC about environmental friendly, local, sustainable mariculture and ranching? This would be much more useful than a fantasy wilderness.

Corr. ID: 3602

Representative Quote: The Drakes Bay Oyster Farm, because of both its commitment to education and the uniqueness of the farm (including the State of California's last operating oyster cannery and the region's only oyster seed setting hatchery), is a popular educational resource for many university, high school and elementary schools. Several colleges currently include trips to DBOF as part of their marine biology course work. DBOF has also partnered with a number of post-graduates in their work concerning Drakes Estero.

Corr. ID: 3792

Representative Quote: Visitors to the business are educated in the unique way Drakes Bay Oyster Farm approaches sustainable ocean agriculture. Without the business, many wouldn't receive this information and understanding of the ecosystem's fragile nature and our (meaning humankind's) responsibility towards preservation. Without the Oyster Farm these tourists would not see and understand this information, and may be more inclined to push for other destructive practices elsewhere.

Corr. ID: 4017 **Organization:** CA Farm Bureau Federation
Representative Quote: DBOC's educational and outreach efforts are instrumental in teaching locals and visitors alike about this unique practice.

IT13000 - Impact Topic: Park Operations

CONCERN STATEMENT 27031: The EIS should address the responsibilities for maintenance of the DBOC buildings.

Representative Quote(s): **Corr. ID:** 4100
Representative Quote: 13. Please address the quality of maintenance the Park has provided for the DBOC buildings and if this is in accordance with their lease with the Park.

CONCERN STATEMENT 27033: The EIS should address the impact on park operations of monitoring visitor compliance if a Special Use Permit is not issued.

Representative Quote(s): **Corr. ID:** 4100
Representative Quote: 12. Please analyze the impact of the loss of the Lunny staff presence on the Estero to the Park. Will the Park require a staffing increase? Will the Kayakers and Hikers have anyone monitoring their behavior such as harassing the harbor seals? What will this cost the Park?

CONCERN STATEMENT 27034: The EIS should describe the cost of acquisition, maintenance, and operations of Point Reyes National Seashore, including Drakes Estero, in 2012 dollars.

Representative Quote(s): **Corr. ID:** 4070 **Organization:** Defenders of Wildlife - Marine Program Associate
Representative Quote: 2. What is the approximate federal monetary investment, in 2012 dollars, toward National Park Service acquisition of the entire Point Reyes National Seashore property holdings, and the operations and maintenance of Park holdings, including Drakes Estero, to date?

CONCERN STATEMENT 27036: The EIS should address the costs to manage Drakes Estero, including monitoring, mitigation, and law enforcement activities.

Representative Quote(s): **Corr. ID:** 3701 **Organization:** Audubon Canyon Ranch, Cypress Grove Research Center
Representative Quote: 7. The EIS should quantify all potential costs to the National Park Service related to managing the estuary as a natural wilderness system if oyster culture is present. This analysis should include the costs of monitoring a range of ecological elements (e.g. species, populations, and habitat conditions) and processes (e.g. physical processes and species behaviors), costs of monitoring for biological impacts (resources that should be monitored for possible impacts), costs of monitoring oyster culture activities, structures, and operations, and the costs of active management, mitigation, law enforcement, and other activities needed for effective management of a wilderness estuary.

Corr. ID: 4069
Representative Quote: Sufficient funds
? Does NPS anticipate having a sufficient increase in funds over the next ten years to do research on methods and impacts, monitor operations and

enforce regulations needed to allow a mariculture operation? If not, the risks are even worse. Management of DBOC, including monitoring, research, and enforcement is a drain on very limited resource protection and habitat enhancement resources. NPS is likely to face seriously bad budget conditions for the foreseeable future, thus any resources devoted to mariculture will detract from resources available for managing natural resources as well as the pastoral zone.

NRC (2009) notes "The lack of sufficient resources in NPS to support the research required to harmonize the facilitation of public use and enjoyment of the parks with the preservation of environmental and cultural assets is a national problem." NRC (2009) then goes on to describe 10 areas of research to address important unanswered questions about the various potential impacts of shellfish mariculture. Since it is unlikely that NPS will have funds to do this research in the next few years, it seems imprudent to approve the new SUP project.

Corr. ID: 4069

Representative Quote: ? NPS is unlikely to be able to fund the NRC recommended research, process and practice development, monitoring, and enforcement to conduct mariculture in Drakes Estero.

**CONCERN
STATEMENT 27039:**

The EIS should evaluate park operations and the National Park Service's ability to manage and enforce a Special Use Permit for DBOC.

Representative Quote(s): Corr. ID: 4071

Organization: National Parks Conservation Association

Representative Quote: A factor that needs to be considered in this policy making context is the ability of NPS to enforce the conditions of commercial use in the national parks. Because NPS does not grant SUPs for such purposes, NPS has no enforcement division or experience in this type of enforcement, and must instead rely upon sister agencies for enforcement of the terms and conditions. DBOC has been a frequent and repetitive violator both of NPS restrictions, and restrictions imposed under State law. NPS has not taken direct enforcement action, but has instead benefited from the California Coastal Commission enforcement actions. The issuance of new classes of private rights to use the parks means that NPS will need to consider the environmental impacts in light of NPS' ability to enforce the terms and conditions that limit environmental impacts.

Corr. ID: 4108

Representative Quote: PARK OPERATIONS

Issues for the EIS

Evaluate the efficacy of the current management and oversight of mariculture operations. Assess the resources that would be necessary to adequately manage DBOC. Assess the impacts to the Estero's potential wilderness designation if NPS had a regular boat presence on the water.

Discussion

The NPS managerial function for DBOC in its current form is wholly inadequate and would need to be completely revamped if a lease renewal were to happen. Compliance, monitoring, oversight, and enforcement are lacking and for the most part non-existent. DBOC seems quite determined to function outside the terms and conditions of their lease and ancillary permits: disregard for lease boundaries and established exclusionary zones, the unauthorized expansion of manila clam cultures, sales of non-maricultured foodstuffs, and un-permitted 'improvements' of paving, signage, and picnic facilities are all documented examples of DBOC's

contempt for the rules. Management of this operation is made more difficult by the multiple and decentralized jurisdictional authorities of the NPS, CDFG, CCC with influence by a string of additional agencies and overseers (CDHS, MCC, MCEHS, etc.).

Current staffing and resources are inadequate to handle the monitoring and enforcement of the mariculture footprints in the Estero. Park biologists and (unfairly) park research volunteers are being called upon to provide oversight and compliance support. In respect to the potential wilderness designation of the Estero, park staff rarely accesses the Estero in vessels other than kayaks. Effective management of the mariculture operation requires a marine presence in the form of a boat for a NPS enforcement authority as well as to provide access for NPS monitors and personnel from other permitting agencies and authorities (such as NRC, the MCC, and fact-finding politicians). The need for a NPS boat on the water would unfortunately elevate uses and create impacts counter to wilderness values.

Corr. ID: 4136

Representative Quote: A. The Park Service is ill prepared to fill the role of a regulatory agency. Just managing the grazing lands in the pastoral zone presents challenges, and those presented by attempting to manage a lease holder for a wilderness water body presents a serious ongoing management challenge. For example, maps will become out of date as the sand bars continue to move, change shape, etc. This issue also is likely to arise as the harbor seals change preferred haul out and pupping areas. Sand bars need not be fully exposed for harbor seal use, thus there are times when no sandbar is evident when one is slightly submerged and available for seal use.. Park Service personnel are neither trained nor inclined to supervise the oyster growing activity enforcing management guidelines especially since those guidelines will change as the sandbars move and change in elevation and area.

IT14000 - Impact Topic: Other

CONCERN

STATEMENT 27888:

The EIS should consider the goals of the Golden Gate UNESCO Biosphere Reserve, which includes the Point Reyes National Seashore and Drakes Bay.

Representative Quote(s): **Corr. ID:** 217

Representative Quote: The entire Drakes Bay as well as Pt. Reyes Nat. seashore is part of the golden gate UNESCO Biosphere Reserve - whose purpose is to encourage and support local ag. Production, among other purposes. I understand that we actually cooperate with the similar Biosphere Reserve in Brittany France. The goals and natural and cultural resource issues are nearly identical - animal husbandry, shellfish, eelgrass and human occupation, use and activities.

CU1000 - Cumulative Actions and Impacts

CONCERN

STATEMENT 26979:

The EIS should consider the effects of climate change/global warming in combination with commercial operations.

Representative Quote(s): **Corr. ID:** 3620

Representative Quote: Public lands and waters are vital as pockets of refuge for wildlife, especially in face of global warming.

Corr. ID: 4069

Representative Quote: The value and significance of fully protected Drakes-Limantour Esteros is extremely important for a marine reserve network when considering sea level rise and climate change.

Corr. ID: 4079

Organization: Environmental Action Committee of West Marin - Executive Director

Representative Quote: Consider the cumulative impact of climate change to other direct and indirect impacts from mariculture operations.

**CONCERN
STATEMENT 26980:**

The EIS should consider the cumulative impact on the Drakes Estero estuary resulting from all current and potential commercial/recreational activities in the study area, including kayaking, hiking, fishing, etc.

Representative Quote(s): Corr. ID: 217

Representative Quote: As an ornithologist and retired environmental planner/Biologist, I have observed first hand the self indulgent, behavior of hikers, and kayakers, People waiting for their kayaks @ the Lunny's have gone out on the marsh and put up the resting and foraging shorebirds.

Corr. ID: 3701

Organization: Audubon Canyon Ranch, Cypress Grove Research Center

Representative Quote: 11. Cumulative Effects. The EIS must conduct a cumulative effects analysis to assess the ecological impacts on the Drakes Estero estuary resulting from current and potential activities (e.g. tourism, commercial fishing, other mariculture operations) in the study area.

**CONCERN
STATEMENT 26981:**

The EIS should consider the cumulative effect of agriculture, such as cattle and dairy farming, and mariculture within the Park.

Representative Quote(s): Corr. ID: 55

Representative Quote: From an environmental standpoint, it is ridiculous to try to separate the estero from the watershed surrounding it. Approximately 2000 cattle graze that watershed, part of the agricultural heritage the National Seashore is supposed to preserve. The increased amount of nutrients and pathogens that run off into the estero as a result make wilderness impossible. In the northern reaches of the estero, coliform counts are so high after 7/10ths of an inch of rainfall in 24 hours, that harvesting is prohibited by the California Department of Health Services for one week.

The increased levels of nitrogen that result from the bovine runoff can result in large plankton blooms, causing anoxic buildup on the bottom when they die off. Oysters utilize the plankton for food, thus reducing the potential for the buildup, and benefiting their own growth as well. Removal of the oyster farm would likely upset the balance of nutrients which has come about over the past 70 years in the estero.

**CONCERN
STATEMENT 26982:**

The EIS should consider the impacts of the U.S. Navy North West Warfare Testing expansion on aquatic resources together with the impacts of commercial operations at Drakes Bay.

Representative Quote(s): Corr. ID: 3084

Representative Quote: Concerns over the impacts of the U.S. Navy North West Warfare Testing expansion on aquatic resources.

CONCERN STATEMENT 26983: The EIS should consider there are very few esteros that have not been compromised by development and commercial use; and, Drakes Estero is part of an interconnected system.

Representative Quote(s): **Corr. ID:** 538
Representative Quote: Every other estero has been compromised by development and commercial use.

Corr. ID: 544
Representative Quote: These fragile estuaries are vital to the health of the marine ecology and must be protected from human exploitation.

Corr. ID: 563
Representative Quote: Our wilderness areas are dwindling at a rapid rate, usually because of human thoughtlessness and arrogance.

Corr. ID: 2319
Representative Quote: Estuary lands all around America are being lost or degraded by development or other human encroachment.

Corr. ID: 4069
Representative Quote: Drakes-Limantour Esteros are part of a group of interrelated coastal wetlands identified as wetlands of hemispheric importance (Harrington and Perry 1995). This network of habitats holds more total shorebirds in all seasons than any other wetland in the conterminous U.S. Pacific coast (Stenzel et al. 2002). The proximity adds to the value of each site within this network of wetlands.

CONCERN STATEMENT 27338: The EIS should consider the impacts of the BP Oil Spill, Hurricane Katrina and similar disasters.

Representative Quote(s): **Corr. ID:** 1146
Representative Quote: With all of the natural and unnatural disasters, i.e., Hurricane Katrina, gulf oil spill, we are losing pristine shores and should not open up to commercial ventures.

Corr. ID: 1608
Representative Quote: Because the horrendous BP oil volcano in the Gulf of Mexico has decimated numbers of oyster beds there, preserving oysters elsewhere becomes especially important. I understand that different species are present in the two ecosystems, but both deserve protection.

Corr. ID: 3533
Representative Quote: The recent BP Deep Horizon oil disaster in the Gulf of Mexico has made it clear to all Americans -- and the world community -- that if we fail to plan the protection of our irreplaceable resources, using the best available science, we will surely incur catastrophic and irreversible losses.

CONCERN STATEMENT 27631: The EIS should consider the significance of an entire California estuary ecosystem protected by Marine Reserve status under the California 1999 Marine Life Protection Act (MLPA).

Representative Quote(s): **Corr. ID:** 4069

Representative Quote: Protection of Marine and Estuarine Resources in a fully protected marine reserve
Issues for the EIS.

Consider the significance of an entire California estuary ecosystem protected by Marine Reserve status under the California 1999 Marine Life Protection Act (MLPA). The Blue Ribbon Task Force for MLP A planning recommended protecting Drakes Estero as the State Marine Reserve after mariculture ends.

RF1000 - Suggested References

CONCERN STATEMENT 27913: Additional references should be reviewed and considered during the preparation of the EIS.

Representative Quote(s): **Corr. ID:** 3082 [flip chart at Point Reyes Station public meeting]

Representative Quote: The NPS needs to look at the Becker Report which shows a negative impact on harbor seals.

Corr. ID: 3108

Representative Quote: Needless to say, the section on mariculture was not so thin and apparently its authors were not subject to the same constraints as Dr. Paine, a fact that belies the pro-mariculture bias of the committee. (Why were no California ecologists included on the report team? Some people with an understanding of the California Current regime and the dynamics of pinniped and waterbird habitat use in Central California?)

Significant literature exists on the adverse impacts of human intrusion into waterbird habitat and response to human intrusion (Appendix 2). These studies were ignored by the NRC. Here are just few examples of some relevant literature, based on local studies, overlooked by the NRC report:

Human Disturbance to waterfowl: An annotated bibliography.
<http://www.npwrc.usgs.gov/resource/literatr/disturb/biblio.htm>

Waterbirds and human disturbance in urbanized areas.
<http://www.sfbayjv.org/pdfs/disturbancereview061908c.pdf>

San Francisco Bay Area Water Trail Plan, Draft Revised EIR
[http://www.bioone.org/doi/abs/10.1675/1524-4695\(2003\)026%5B0437:BZDTPF%5D2.0.CO%3B2](http://www.bioone.org/doi/abs/10.1675/1524-4695(2003)026%5B0437:BZDTPF%5D2.0.CO%3B2)

Corr. ID: 3108

Representative Quote: References

Allen, S., B. Becker, D.T. Press. 2009. Corrigendum. Marine Mammal Science. 25(3):758.

Amarasekare, P. 2002. Interference competition and species coexistence. Proceedings of the Royal Society of London 269:2541-2550.

American Birds. 1971-2010. Christmas Count summaries.

<http://birds.audubon.org/american-birds-annual-summary-christmas-bird-count>

Babalis, T.B. 2009. Critical review: a historical perspective on the National Research Council's report "Shellfish Mariculture in Drakes Estero." National Park Service, August 11, 2009.

http://www.savedrakesbay.org/uploads/History_report_NPS_response_to_NAS.pdf

Becker, B.H., D.T. Press, and S.A. Allen. 2009. Modeling the effects of El Niño, density-dependence, and disturbance on harbor seal (*Phoca vitulina*) counts in Drakes Estero, California: 1997-2007. *Marine Mammal Science* 25:1-18 (January 2009).

Boarman, W. I. 1993. When a native predator becomes a pest: a case study. Pages 191-206 in *Conservation and resource management*. (Majumdar, S. K., E. W. Miller, D. E. Baker, E. K. Brown, J. R. Pratt, and R. F. Schmalz, Eds.) Penn. Acad. Sci. Easton, PA.

California Department of Fish and Game. 2010. Special animals List. <http://www.dfg.ca.gov/biogeodata/cnddb/pdfs/spanimals.pdf>

Decottignies, P., Beninger, P.G., Rincé, Y., Robins, R.J. and Riera, P. 2007. Exploitation of natural food sources by two sympatric, invasive suspension-feeders: *Crassostrea gigas* and *Crepidula fornicata*. *Marine Ecology Progress Series* 334: 179-192.

Corr. ID: 3536

Representative Quote: I also encourage the EIS committee to use, when they become adopted, the Bivalve Aquaculture Dialogue Standards which were drafted by the World Wildlife Fund and the New Zealand Seafood Industry Council to provide a means to measure the environmental and social sustainability of shellfish farms.

Corr. ID: 4015

Representative Quote: Toward this end, investigators for the EIS may also wish to analyze the Park Service's own document, *Stewardship Begins with People*, which features several excellent examples where food production and processing is very much aligned with Park Service goals.

Corr. ID: 4040

Representative Quote: An EIS must consider the forthcoming Marine Mammal Commission report.

Corr. ID: 4068

Organization: University of California,
Cooperative Extension, Marin County - Director

Representative Quote: There are several constructive resources and documents that can inform the EIS process and support discussion and analysis on the continue the realization of both wilderness and oyster cultivation that exist today in Drakes Estero. These include:

-Dr. Laura Watt's article *The Trouble with Preservation, or, Getting Back to the Wrong Term for Wilderness: A Case Study at Point Reyes Seashore*, providing useful discussion on the origins of the wilderness concept and how it applies to Point Reyes National Seashore.

-Alexander D. Calhoun's report *Drakes Estero: Historical Analysis of Oyster Cultivation and Wilderness Status*, with analysis and documentation of the

legislative intent for Point Reyes National Seashore, and corresponding wilderness areas, that include oyster cultivation. Additionally, Calhoun provides documentation of California Department of Fish Game's jurisdiction as the lead agency for managing the bottomlands of Drakes Estero including oyster cultivation.

-Mitchell Postel's article A Lost Resource, documenting the history and collapse of San Francisco Bay native oyster beds and oyster cultivation from 1840s to the early 1900s. Gold mining and increasing population density caused sedimentation and water quality impacts to San Francisco Bay resulting in this decline. In contrast, Drakes Estero continues to possess and provide the clean cool water and conditions required for shellfish growth.

-Rolf Diament and co-author's report and atlas, Stewardship Begins With People, documenting the integration and comanagement of national parks, wilderness, and working landscapes. Point Reyes National Seashore and Drakes Bay Oyster Company have the opportunity to realize the potential of Drakes Estero for wilderness and oyster cultivation that is and would continue to be a cornerstone of area and regional sustainability.

Corr. ID: 4079

Organization: Environmental Action Committee of West Marin - Executive Director

Representative Quote: M. DBOC Compliance with RUO and Coastal Commission Consent Order

The proposed action, issuance of a new SUP, is specific to DBOC so it is appropriate and necessary to look at their history of compliance with the existing RUO and SUP that expire on November 12, 2012.

??Consider the California Coastal Commission's Consent Order 07-CD-11 following the hearing on December 12, 2007.

??Consider DBOC's numerous specific violations of unpermitted development activities including "the nature of the violations, which have resulted in the introduction of boats, personnel, structures, and materials into a resource protection area."

??Consider DBOC's lack of compliance with the Consent Order by stating that the inappropriately sited clam bags had been moved when they had not, which resulted in December 7, 2009 Cease and Desist Order [CCC-07-CD-11] and a penalty fine of \$61,500 [49 days of violation at \$250 per day].

??Consider DBOC's lack of compliance with the Cease and Desist Order ? did DBOC pay the penalty fine?

??Consider that the Park's "trust but don't verify" system of monitoring and enforcement is wholly inadequate to uphold its legal mandates for maximum protection and enhancement the Drakes Estero wilderness.

??Consider the discrepancy between a) permitted, legal on-the-ground activities, b) unpermitted, illegal on-the-ground activities, and c) full build out potential of the current SUP terms which would be mirrored in a new SUP.

??Consider the overall history of non-compliance due to intentional acts and human error and the extent to which this supports NPS Wilderness laws and policies requiring protection of the natural resources be given predominance.

"Thousands of tired, nerve-shaken, over-civilized people are beginning to find out that going to the mountains is going home; that wildness is a necessity; and that mountain parks and reservations are useful not only as fountains of timber and irrigating rivers, but as fountains of life. Wilderness is not only a haven for native plants and animals but it is also a refuge from society." -John Muir

Corr. ID: 4103

Organization: Drakes Bay Oyster Company

Representative Quote: VII. PENDING INVESTIGATIONS As you are

aware, investigations concerning the scientific validity of prior work in Drakes Estero and concerning the farm are proceeding before the Marine Mammal Commission and with the Department of Interior. We expect that these proceedings will produce documents relevant to the topics described herein and to the SUP EIS. In addition, we ask that you incorporate the approximately 250,000 NPS photographs of DBOC operations into the list of primary documents, and exclude the work of Dr. Benjamin Becker et al., as further explained under the "References of Uncertain Relevancy to the EIS" section in the November 21, 2010, submittal from our consultants Dr. Jeffrey Fisher and Dr. Robert Abbott of Environ.

GC1000 - General Concerns

CONCERN Comments were provided that are outside the scope of the Drakes Bay
STATEMENT 26984: Oyster Company Special Use Permit EIS.

Representative Quote(s): **Corr. ID:** 213

Representative Quote: For all the good that the NPS does, it can be a source of irritation. I can no longer hike through many areas of West Marin because of the Park's restriction on dogs. There is little pleasure in walking without your dog! It is sad that the NPS has this stupid fixation about dogs.

Corr. ID: 3184 [flip chart at Point Reyes Station public meeting]

Representative Quote: Boats/speed. Until permit runs out (2012). - Whole estero should be at "no wake" speed, (5 mph?) to reduce shoreline erosion, turbidity, & silt

Corr. ID: 4058

Representative Quote: I also talked to Dan Neubacker about making a metal sculpture of a coho salmon for the park. Perhaps if you are interested we can talk about it.

CONCERN The meaning of some comments was not clear enough to categorize.
STATEMENT 27640:

Representative Quote(s): **Corr. ID:** 328

Representative Quote: No, no and no.
Thanks.

Corr. ID: 591

Representative Quote: Are you people completely nuts?

Corr. ID: 776

Representative Quote: Please save Drakes Estero as it is.

Corr. ID: 3246

Representative Quote: Food+Jobs+Safe Seas
Its not nice to fool Mother Nature.

