

CALIFORNIA COASTAL COMMISSION

NORTH CENTRAL COAST DISTRICT
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March 30, 2010

Mr. John Dell'Osso
Acting Superintendent
Point Reyes National Seashore
Point Reyes, California 94956

RE: Coastal Development Permit Application for Drakes Bay Oyster Company

Dear Mr. Dell'Osso:

The purpose of this letter is to request your review of a recent project description submitted to the Coastal Commission staff as part of Drakes Bay Oyster Company (DBOC)'s application for a coastal development permit in order to identify which of the proposed activities are currently authorized by the National Park Service (NPS).

The Coastal Commission's regulations require an applicant to provide evidence of land owner approval to complete a coastal development permit application. In this case, since the land owner is the NPS, we would appreciate your review of DBOC's current proposed project to identify those proposed project elements authorized by DBOC's Special Use Permit or any other approval granted to DBOC by the NPS.

Enclosed with this letter are two documents submitted to the Commission by DBOC on March 16, 2010, which list the 47 elements of DBOC's proposed project and provide additional details regarding several of these elements in response to the Commission's requests for additional information.

Thank you for your assistance and please do not hesitate to call me if you have any questions or require additional information.

Sincerely,

A handwritten signature in cursive script that reads "Cassidy Teufel".

Cassidy Teufel
Coastal Program Analyst

DRAKES BAY OYSTER COMPANY

17171 Sir Francis Drake Blvd., Inverness, CA 94937

California Coastal Commission
Attn: Cassidy Teufel
45 Fremont Street, Suite 2000
San Francisco, CA 94105

March 16, 2010

Re: Coastal Development Permit Application No: 2-06-003 – Response to CCC letter dated 03/09/2010

Dear Cassidy,

This letter will attempt to answer all of the questions and requested clarifications included in your letter dated March 9, 2010. We have also revised our project description and it is attached to this letter.

We will provide you an update on the revisions to the NPS special use permit when an update is available.

The following responses refer directly to the numbered items contained in your letter.

1. The non-motorized barges are 30' long and 10' wide.
2. The seawater intake pipe is 4" in diameter. The pipe feeding the hatchery is 2" in diameter. The discharge pipe from the hatchery is 4" in diameter.
3. The manifold feeding the outdoor setting tanks is 2" in diameter. The discharge pipes (one from each of the five tanks) are 2" in diameter. Each of the 2" discharge pipes increase to 6" in diameter.
4. Two of the five setting tanks are 10' in diameter and 4' deep and three of the tanks at 7' in diameter and 4' deep.
5. One of the pumps is always running to provide water to the hatchery and setting systems. During non-working hours, the one horsepower pump provides enough flow. While employees are washing oysters, the five horsepower pump provides enough flow for the hatchery and the washing. The pumps never operate simultaneously. They are actually wired and controlled so that only one pump can operate at any one time.
6. The outdoor setting tanks are filled and remain full for about 4 days during the setting period. After 4 days, to feed the juvenile oysters and cool the water slowly, raw seawater flows through tanks at about 5 GPM for the next 3 days.
7. The seawater pumps are powered by electric motors.
8. The schedule 40 PVC channel markers will be approximately 8' long, placed vertically, and pushed into the substrate approximately 2'. The pipes will extend approximately 6' above the substrate. The portion of the pipe that is visible above the water line will vary based on tide level. Approximately 10 channel markers will be installed to assist in navigation.
9. Approximately 20 people live on site. There are 15 bedrooms available and the total number of people living at the site varies.

10. Please note that the November 14 letter stated that the fully approved area (area 17) is 25.46 acres. This area is the only fully approved growing area in California and therefore important to distinguish. There is another 1033 acres of conditionally approved growing area available within DFG lease number M-438-01. The total is 1059 acres. DBOC is currently using roughly 150 acres of bottom bags, floating systems and racks combined. The total acreage used varies throughout the year. Also, specific areas may or may not have continuous shellfish production. For example, a growing area may go fallow for a period of time following harvest before the area is re-planted.
11. Our records identify approximately 7 acres of rack culture (the NPS has calculated the racks at 8 acres). The balance currently in use is about 140 acres.
12. Per the November 14, 2008 submittal, about 3.75 acres of existing racks were in need of repair.
13. About 25% of the racks needing repairs are currently in use. This varies depending on the time of year, larvae availability, larvae & spat survival and level of repairs needed.
14. The bents are 12' X 12'
15. Yes, there are six horizontal 2X4 rails.
16. The rails are placed on 2'5" centers.
17. Once planted, the racks are typically inspected quarterly.
18. Cluster oysters are beach hardened an average of approximately 2 months.
19. Cluster oysters are usually beach hardened after they have been broken apart.
20. French tubes replace the Japanese hanging cultch method and can be used on all racks.
21. We do not have an exact footprint for the clams. I believe that the clams currently occupy less than 10 acres.
22. Clams are grown in the same growout bags as single oysters, but require less maintenance than single oysters. Clam bags located on the bottom inspected regularly and are usually maintained annually.
23. Juvenile clams (seed) are grown in floating bags or trays for up to 6 months. After this stage (1/4" - 3/8"), they are planted in bottom bags at final density (roughly 250 clams per bag). The clams are usually allowed to grow to harvest size without rebagging.
24. Single oysters need to be sorted and rebagged approximately 4 times during their growout cycle. Oysters need to be sorted and replanted approximately every three months.
25. Currently, immature oysters are brought to the shoreside facility by boat/barge where they are sorted and rebagged.
26. French tubes and bagged cultch are kept in the setting tanks for one week.
27. Small seed remains in the hatchery for approximately one month following setting.
28. Water from the setting tanks is discharged, unfiltered, into the estero.
29. The seawater intake is screened using plastic mesh with 1/4" openings.
30. The seawater intake is located roughly 50' from the shoreline near the setting tanks.

As previously discussed, we believe Section 30411 of the Coastal Act is relevant to the CDP for offshore activities.

Please feel free to give me a call if you need any more information.

Sincerely,

Kevin Lunny

DRAKES BAY OYSTER COMPANY

17171 Sir Francis Drake Blvd., Inverness, CA 94937

Project Description

03/16/2010

Proposed New Site Development

1. Construct and install required ADA compliant restroom facility.
2. Construct and install split rail and solid board fencing around proposed storage area and retail facility.
3. Construct and install paved walkway to the restrooms to meet ADA requirements.
4. Construct cover over existing wooden oyster washing pier per CDPH and FDA requirements to keep oysters out of direct sunlight after harvest.
5. Demolish and remove existing wooden pier (south pier).
6. Implement Vessel Transit Plan with mooring areas and access lanes clearly marked.

Ongoing Maintenance for Existing Operation

7. Continue to carry out regular repairs and maintenance to existing oyster racks using only CDFG, CCC and NPS approved materials.
8. Continue compliance with 1992 Harbor Seal Management Plan as well as final CCC and NPS harbor seal protection conditions.
9. Continue to carry out oyster and clam culture using 24" x 24" x 3" plastic or plastic coated wire containers or trays.
10. Continue to use established boat traffic lanes through Drakes Estero eelgrass beds for use during low tide.
11. Continue to operate the picnic area.
12. Continue Pacific and European oyster culture using hanging cluster method, both on "strings" and on "French Tubes" on racks located throughout DFG lease area number M-438-01 within Drakes Estero.
13. Continue Pacific and European oyster culture using anchored bottom bags within intertidal areas throughout DFG lease area number M-438-01 within Drakes Estero
14. Continue Pacific and European oyster culture using un-anchored bottom bags within intertidal areas throughout DFG lease area number M-438-01 within Drakes Estero
15. Continue Pacific and European oyster culture using anchored floating bags within intertidal areas throughout Department of Fish and Game lease area number M-438-01 within Drakes Estero
16. Continue Manila clam culture using bottom bags within areas throughout DFG lease area number M-438-01 within Drakes Estero
17. Continue to carry out marine biotoxin monitoring and water quality sampling within the estero.
18. Resume purple hinged rock scallop production using a floating system within DFG lease number M-438-02
19. Continue to import Pacific oyster larvae and seed; Manila clam larvae and seed, European oyster larvae and seed and purple hinged rock scallop larvae and seed only from CDFG approved sources with current CDFG permits.
20. Continue to operate motor driven vessels within Drakes Estero to plant and harvest approved shellfish species, for water quality monitoring, marine biotoxin monitoring, or any other farm related purpose.
21. Continue to operate non-motorized barges within estero to facilitate shellfish planting and harvesting.
22. Continue to operate retail sales facility.

23. Continue to operate the only state certified and FDA approved shellfish shucking and packing facility, pursuant to the requirements of the California Department of Public Health, Food and Drug Branch; the US Food and Drug Administration and the National Shellfish Sanitation Program.
24. Continue to operate onsite wastewater and septic systems.
25. Continue to store limited quantities of hazardous substances such as paints, gasoline, chlorine, detergents, solvents and cleaning products.
26. Continue to discharge wastewater from hatchery operations, wet storage, setting systems and oyster washing into estero (heated water to remain below 20 degrees above ambient water temperature)
27. Continue to carry out interpretive services to visiting public, conduct tours of onshore facilities for school groups, local non-profit organizations, private organizations, government agencies, etc.
28. Continue to provide onsite housing for employees and their families.
29. Continue to operate indoor hatchery/seed production facility and carry out remote setting activities both indoor and outdoor.
30. Continue to implement the Hazardous Materials Business Plan.
31. Continue to operate the state certified Drakes Bay Oyster Company non-transient, non-community, public water system, pursuant to the requirements of the California Department of Public Health, Drinking Water Unit and the National Shellfish Sanitation Program.

Repairs

32. Repair existing wooden oyster washing pier with similar materials.
33. Replace existing 12' X 60' floating dock at the end of the oyster washing dock.
34. Replace oyster washing / conveyor / sediment retention system.
35. Repairs to stringing shed.
36. Repairs to hatchery building.
37. Repairs to processing building.
38. Repairs to retail sales building.

After the Fact Development

39. Installation of one 8-foot by 40-foot storage container.
40. Removal and replacement of a porch at worker residence.
41. Installation of split rail fence along the edge of parking area.
42. Installation of asphalt pavement surrounding the processing facility.
43. Installation of a temporary construction trailer.
44. Installation of a temporary 8-foot by 40-foot container for oyster shucking and packing.
45. Use of five outdoor seed setting tanks and associated water intake, discharge and circulation infrastructure.
46. Construction and backfilling of a 12-inch by 18-inch by 80-foot long trench.
47. Replacement of six picnic tables and six additional picnic tables