



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

APR 19 2012

Dr. Tom St. Clair
Group Manager
Integrated Water Resources
Atkins North America, Inc.
701 San Marco Boulevard, Suite 1201
Jacksonville, Florida 32207

Dear Dr. St. Clair:

As a result of extremely high interest in the peer review of the Draft Environmental Impact Statement (DEIS) at Point Reyes National Seashore regarding the Drakes Bay Oyster Company (DBOC) operation and media reports of conversations between the acoustics chapter reviewer, Dr. Christopher Clark, and representatives of DBOC held after the peer reviews were made public by the Department of the Interior on March 19, 2012, I have several questions that I am requesting you pose to Dr. Clark. I wish to clarify his views on the DEIS acoustics chapter so that the National Park Service (NPS) clearly understands his suggestions for improving it. I do not wish you to comment on the interactions between Dr. Clark and DBOC or the media as they are not relevant to the purely scientific issues that require review. I am simply asking for clarity and transparency on these scientific issues.

Background

On September 26, 2011, the NPS published the Notice of Availability of the Drakes Bay Oyster Company Special Use Permit DEIS in the *Federal Register*. The public comment period on the DEIS commenced on September 26 and closed on December 9, 2011. On December 9, 2011, DBOC submitted comments to the NPS on the DEIS and included comments on the DEIS prepared by ENVIRON International Corporation. The comments by ENVIRON include comments on the acoustics chapter and on-site sound measurements made on November 22, 2011. As a result of the timing of DBOC's submission, it was impossible for the NPS to consider the work by ENVIRON for inclusion in the DEIS since the NPS only received the ENVIRON comments *after* the DEIS had been released for public review. Moreover, because the scope of the Atkins contract requested that Atkins review the DEIS itself, the Department did not transmit any public comments, including those by ENVIRON, to Atkins. However to assist Dr. Clark in providing clarity, I am including a copy of the comments by ENVIRON for his review.

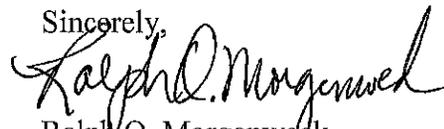
The NPS is in the process of reviewing the information received during the public comment process, including that submitted by ENVIRON. As part of the process of reviewing the ENVIRON information, the NPS has requested that DBOC/ENVIRON provide additional information regarding the standards used by ENVIRON in collecting the data reflected in ENVIRON's December 9 letter. A copy of the NPS's letter to DBOC is attached for Dr. Clark's review. Any response received by the NPS in response to this letter will be provided to Dr. Clark as soon as possible.

Table 3-3 of the DEIS is entitled "Noise Generators at DBOC". Members of the public have expressed concern that the title of the table has led Dr. Clark to think the information in the table was collected at DBOC when the sounds levels displayed came from either a 1995 publication by Noise Unlimited, Inc. entitled "Boat Noise Tests Using Static and Full-Throttle Measurement Methods for the New Jersey State Police" or a 2006 publication from the Federal Highway Administration entitled "Construction Noise User's Guide." The sources for Table 3-3 are noted in a footnote beneath it.

Questions for Dr. Clark

1. Please review the data provided by ENVIRON and provide your opinion as to whether the ENVIRON measurements provide sound and reasonable information regarding the acoustic environment at Drakes Bay including whether the data was collected using appropriate techniques and whether any additional information would benefit NPS in addressing the ENVIRON data in the Final EIS (e.g., measurement protocols, weather conditions, operation condition of equipment).
2. Based solely on your interpretation of the scientific information related to acoustics, are there different values and/or references for acoustics measurements (other than those in the DEIS) that appear credible and should be addressed in the Final EIS?
3. Does new attention on the sources of the data in Table 3.3, the ENVIRON data, or any additional or different values or references for measurements identified in response to question 2 alter your review of the DEIS chapter on acoustics? If so, what is your current assessment of the discussion of soundscapes in the DEIS?

If possible, I would like to receive the answers to these questions by April 27, 2012, so that the NPS will have the time to consider Dr. Clark's comments and make appropriate modifications in the Final EIS.

Sincerely,

Ralph O. Morgenweck
Department of the Interior
Scientific Integrity Officer

Enclosures (2)