



# Welcome

## **Draft Environmental Impact Statement Drakes Bay Oyster Company Special Use Permit**

## Open House

**Our goals for the open house meeting are to:**

- Provide information on the Draft Environmental Impact Statement
- Gather public comments

**6:00-8:00 p.m.**



## Purpose

The purpose of the document is to use the National Environmental Policy Act (NEPA) process to engage the public and evaluate the effects of issuing a Special Use Permit (SUP) for the commercial shellfish operation. The results of the NEPA process will be used to inform the decision of whether a new SUP should be issued to Drakes Bay Oyster Company (DBOC)

## Need

Action is needed at this time because pursuant to Section 124 of Public Law 111-88, the Secretary has the discretionary authority to issue a SUP for a period of 10 years to DBOC for its shellfish operation, which consists of commercial production, harvesting, processing, and sale of shellfish at Point Reyes National Seashore. The existing Reservation of Use and Occupancy and SUP held by DBOC will expire on November 30, 2012. DBOC has submitted a request for the issuance of a new permit upon expiration of the existing authorizations.

## Objectives

- Manage natural and cultural resources to support their protection, restoration, and preservation.
- Manage wilderness and potential wilderness areas to preserve the character and qualities for which they were designated.
- Provide opportunities for visitor use and enjoyment of park resources.





# National Park Service Mission

The National Park Service preserves unimpaired the natural and cultural resources and values of the national park system for the enjoyment, education, and inspiration of this and future generations. The Park Service cooperates with partners to extend the benefits of natural and cultural resource conservation and outdoor recreation throughout this country and the world.





123 STAT. 2932

PUBLIC LAW 111-88—OCT. 30, 2009

POINT REYES NATIONAL SEASHORE, EXTENSION OF PERMIT

Time period.

Deadline.  
Payments.

SEC. 124. Prior to the expiration on November 30, 2012 of the Drake's Bay Oyster Company's Reservation of Use and Occupancy and associated special use permit ("existing authorization") within Drake's Estero at Point Reyes National Seashore, notwithstanding any other provision of law, the Secretary of the Interior is authorized to issue a special use permit with the same terms and conditions as the existing authorization, except as provided herein, for a period of 10 years from November 30, 2012: *Provided*, That such extended authorization is subject to annual payments to the United States based on the fair market value of the use of the Federal property for the duration of such renewal. The Secretary shall take into consideration recommendations of the National Academy of Sciences Report pertaining to shellfish mariculture in Point Reyes National Seashore before modifying any terms and conditions of the extended authorization. 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.



# Existing Conditions– Offshore Operations

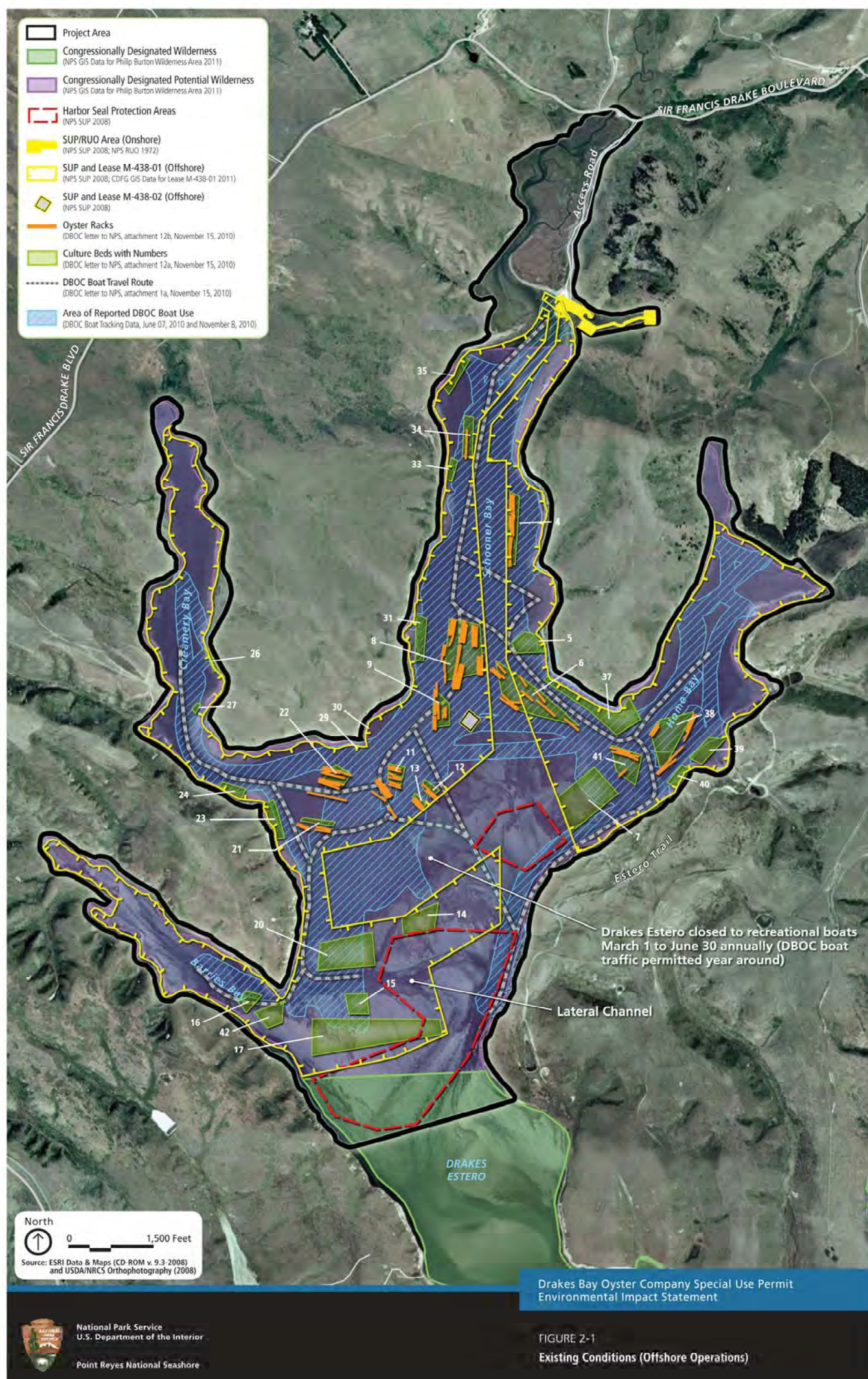


FIGURE 2-1  
Existing Conditions (Offshore Operations)

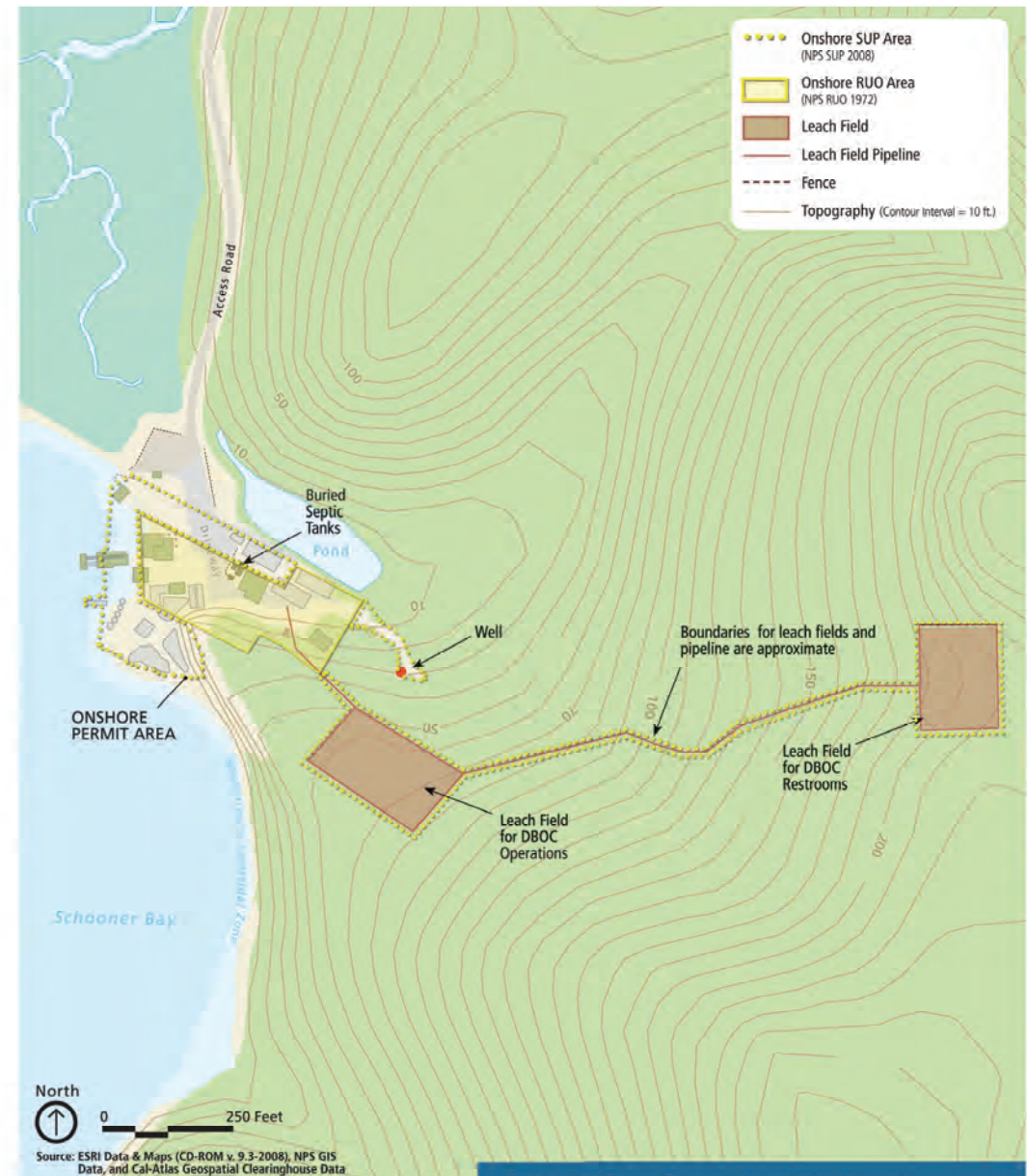


# Existing Conditions– Onshore Operations



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FIGURE 2-3  
Existing Conditions (Onshore Operations)



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FIGURE 2-4  
Existing Water and Septic Utilities



## Elements Common to All Alternatives

- The current National Park Service (NPS) authorizations expire on November 30, 2012.
- Subsequent to expiration of the Special Use Permit (SUP) (either 2012 or 2022), the congressionally designated potential wilderness would be converted to congressionally designated wilderness.
- NPS would continue to maintain the existing NPS facilities within the project area: the access road, a gravel parking lot, vault toilet, and an interpretive board.
- By the date on which NPS's authorization(s) to Drakes Bay Oyster Company (DBOC) expire (either 2012 or 2022), DBOC would be responsible for the removal of certain buildings and structures and all personal property.
- DBOC would also be responsible for removing all shellfish and shellfish infrastructure including racks and bags from Drakes Estero as part of the closeout of the permit.
- DBOC would also be required to restore all affected areas to good order and condition by the end of the permit term, as specified by section 23(a) of the SUP.
- For any ground disturbing activities conducted within the onshore permit area, archeological identification studies, including construction monitoring by a qualified archeologist, would be required to determine the presence of unknown or buried archeological resources.





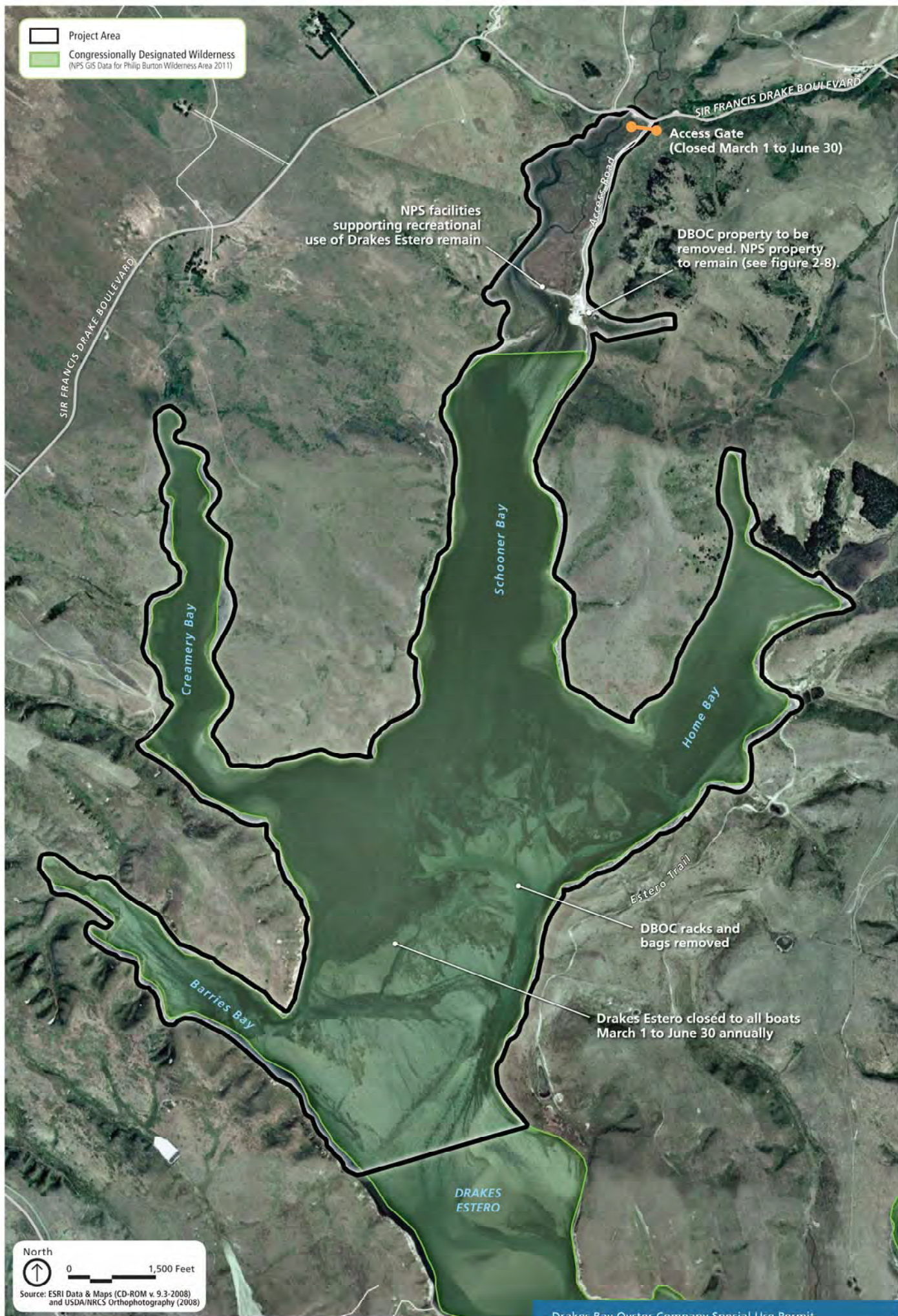
## Alternative A: No New Special Use Permit— Conversion to Wilderness (No Action)

Alternative A considers the expiration of the existing Reservation of Use and Occupancy (RUO) and Special Use Permit (SUP) and subsequent conversion to wilderness, consistent with Public Law 94-567. The existing SUP and RUO expire on November 30, 2012. Under Alternative A, the Secretary of Interior would not exercise the discretion granted to him under section 124 to issue a new 10-year SUP. Upon removal of the nonconforming structures from Drakes Estero, the NPS would convert the area to wilderness. Specifically, under Alternative A:

- Drakes Bay Oyster Company (DBOC) would be required to remove certain buildings and structures, and all of its personal property and undertake steps to restore the area to good order and condition.
- All closeout procedures, including removal of structures, personal property, items related to shellfish cultivation and processing, including all racks and bags distributed within Drakes Estero, would be completed consistent with the terms of the existing RUO and SUP.







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FIGURE 2-5

Alternative A: No New Special Use Permit – Conversion to  
Wilderness (No-action) (Offshore Conditions)



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## Elements Common to Alternatives B, C, and D

### General

- Under all action alternatives, a new Special Use Permit (SUP) authorized under section 124 of Public Law 111-88 would be issued to Drakes Bay Oyster Company (DBOC) for a period of 10 years. No extensions or renewals would be issued. The new SUP would expire on November 30, 2022.
- The National Park Service (NPS) would delay conversion of congressionally designated potential wilderness to congressionally designated wilderness for 10 years.
- DBOC would be required to pay the United States fair market value for the use of federal property, as mandated by section 124, including onshore and offshore areas within the SUP boundaries.
- As a condition of receiving a new SUP, DBOC would be required to surrender its state water bottom lease effective November 30, 2012. DBOC would thereafter operate under the terms of the NPS permit. NPS would oversee compliance and adherence to the terms and conditions of the new SUP.
- Any new structures developed under the authority of the new SUP would be removed by DBOC prior to the expiration of the SUP in 2022.

### Special Use Permit Area

- The new SUP would encompass the federally owned onshore and offshore areas used by DBOC.
- Offshore boundaries of the new SUP incorporate all areas of Drakes Estero used for shellfish operations. Boat operations would not be allowed outside of new SUP boundaries.

### DBOC Operations and Facilities

- DBOC Shellfish Growing Areas include approximately 138 acres of Drakes Estero where a combination of hanging and bottom culture are used.
- DBOC operations would be subject to the harbor seal protection protocol, as described in the 2008 SUP.
- DBOC would continue to process and pack shellfish in the onshore permit area, however, the scale, configuration, and condition of DBOC onshore operations would vary by alternative.
- The existing dock, work platform and associated structures would be replaced due to damage from a March 2011 storm event.





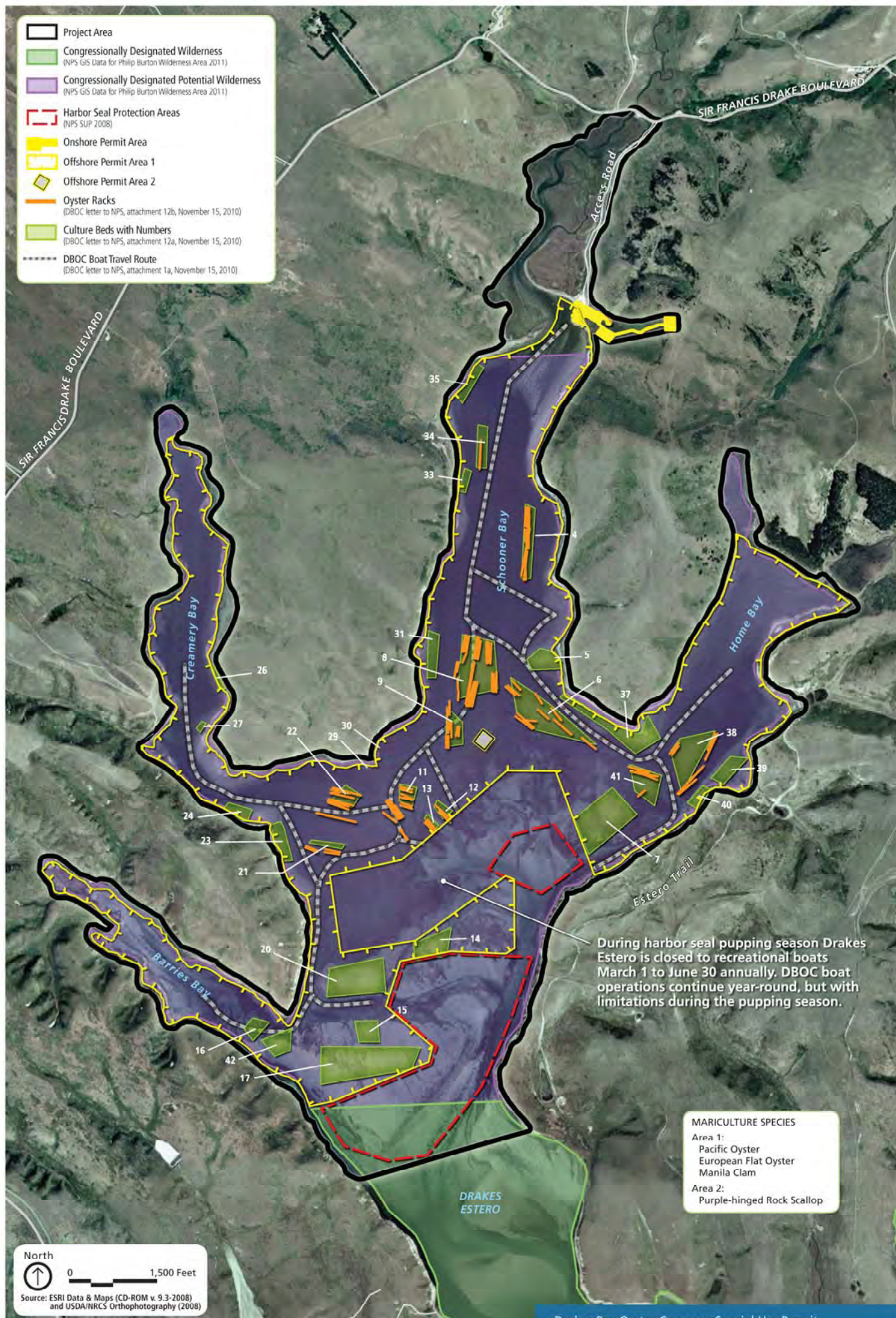
## Alternative B: Issue New Special Use Permit— Existing Onshore Facilities and Infrastructure and Offshore Operations Would Be Allowed for a Period of 10 Years

Alternative B considers a level of use consistent with conditions that were present in fall 2010 when the National Park Service (NPS) initiated evaluation under the Environmental Impact Statement (EIS). Specifically, under alternative B:

- Onshore facilities and infrastructure, including previously unpermitted infrastructure, would remain. This would be generally consistent with what is currently present on the site.
- The total acreage of the Special Use Permit (SUP) area would be approximately 1,083 acres.
- With the exception of slight reductions to Bed 17 (which currently extends into the seal protection area), consistent with Drakes Bay Oyster Company's (DBOC) requests, all existing Shellfish Growing Areas would be included in the SUP area and would remain.
- Shellfish production would not exceed 600,000 pounds annually, consistent with the 2010 DBOC harvest. This level of production would be approximately 20% greater than alternative C.
- Pacific oysters, European flat oysters, and Manila clams could be cultivated on documented Shellfish Growing Areas within the main permit area, Area 1. Purple-hinged rock scallops could only be grown in the existing 1-acre plot, Permit Area 2.
- NPS would evaluate future requests regarding operational and infrastructure changes from DBOC for consistency with the intent of this alternative, which is to maintain existing conditions and levels of production.







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FIGURE 2-7

Alternative B: Issue New Special Use Permit – Existing Onshore Facilities and Infrastructure and Offshore Operations Would be Allowed for a Period of 10 Years (Offshore Operations)



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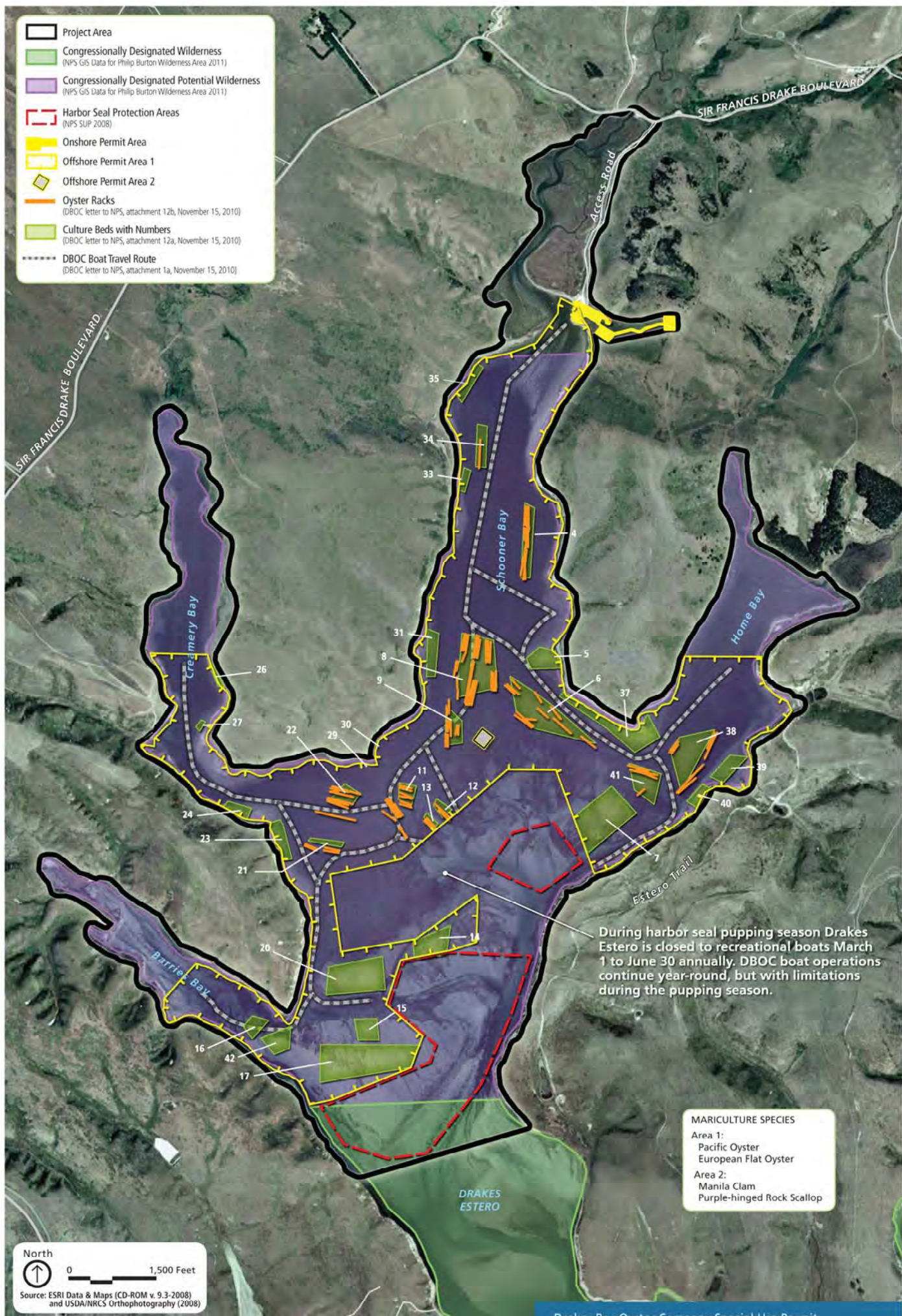
## Alternative C: Issue New Special Use Permit— Onshore Facilities and Infrastructure and Offshore Operations Present in 2008 Would Be Allowed for a Period of 10 Years

Alternative C considers a level of use that is consistent with the conditions and operations that existed at the time the current Special Use Permit (SUP) was signed in April 2008. Specifically, under alternative C:

- In contrast to alternative B, onshore infrastructure would be slightly reduced by removing unpermitted and nonessential facilities.
- The total acreage of the SUP area, including both offshore and onshore areas, would be approximately 901 acres. Those acres not included in the permit area under this alternative are not currently available for production due to state water quality harvest prohibitions.
- With the exception of slight reductions to Bed 17 (which currently extends into the seal protection area), all existing Shellfish Growing Areas would be included in the SUP area and would remain.
- Shellfish production would not exceed 500,000 pounds. This represents an approximately 10 percent increase above the average annual Drakes Bay Oyster Company (DBOC) production for the period 2007 to 2009.
- Pacific oysters and European flat oysters could be grown on documented Shellfish Growing Areas within Area 1. Manila clams and purple-hinged rock scallops could only be cultivated in the existing 1-acre plot, Area 2.
- The National Park Service (NPS) would evaluate future requests for operational and infrastructure changes from DBOC taking into consideration consistency of the proposed changes with 2008 conditions and levels of production.







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FIGURE 2-9

Alternative C: Issue New Special Use Permit – Onshore Facilities and Infrastructure and Offshore Operations Present in 2008 Would be Allowed for a Period of 10 Years (Offshore Operations)



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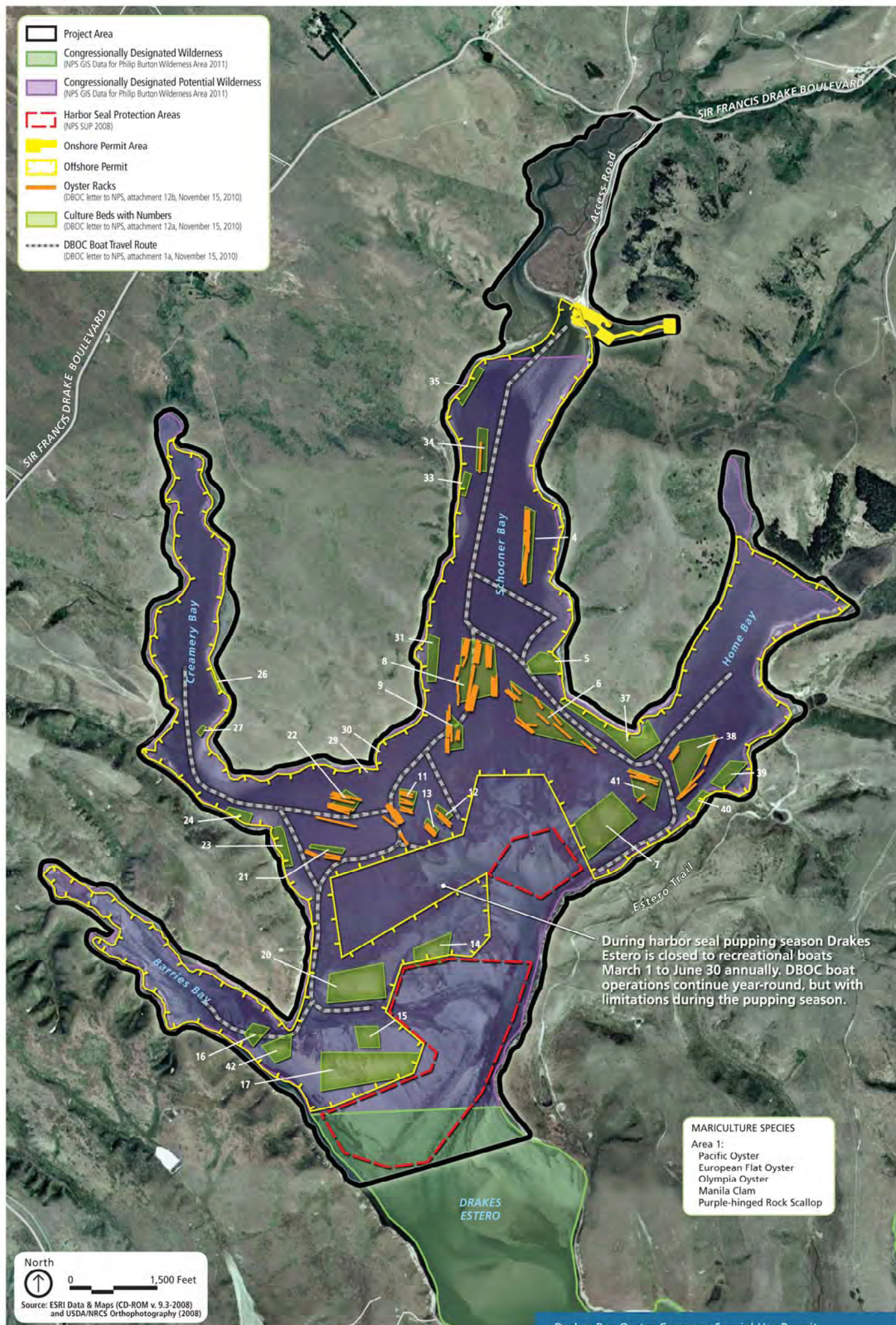
## Alternative D: Issue New Special Use Permit— Expanded Onshore Development and Offshore Operations Would Be Allowed for a Period of 10 Years

Alternative D considers expansion of operations and development of new infrastructure as requested by Drakes Bay Oyster Company (DBOC) as part of this Environmental Impact Analysis (EIS) process. Specifically, under alternative D:

- Two development proposals submitted by DBOC are evaluated at the conceptual level in this EIS. Additional planning, design, environmental compliance, and approval would be required prior to proceeding with construction of proposed new facilities.
- The total acreage of the Special Use Permit (SUP) area, including both offshore and onshore areas, would be approximately 1,087 acres, which incorporates the boundary adjustment requested by DBOC.
- With the exception of slight reductions to Bed 17 (which currently extends into the seal protection area), all existing Shellfish Growing Areas would be included in the SUP area and would remain.
- Shellfish production would not exceed 850,000 pounds annually. This production level is based on DBOC's projections of maximum production levels and is approximately 40% greater than alternative B and 70% greater than alternative C.
- Pacific oysters, European flat oysters, Manila clams, Olympia oysters, and purple-hinged rock scallops could be cultivated in documented Shellfish Growing Areas within the offshore permit area.
- The National Park Service (NPS) would evaluate future requests from DBOC for consistency with the intent of this alternative, which is to allow for expanded operations within the scope of the conceptual proposal; approval/compliance for future development would be through a tiered planning process.







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FIGURE 2-11

Alternative D: Issue New Special Use Permit – Expanded Onshore Development and Offshore Operations Would be Allowed for a Period of 10 Years (Offshore Operations)



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## Alternatives Considered but Dismissed

- Open Shellfish Operations to Competitive Bid
- Relocate Drakes Bay Oyster Company
- Alter Special Use Permit Term
- Issue a Renewable Special Use Permit
- Close Drakes Bay Oyster Company During a Controlled Study
- Incorporate Phase Out Requirements in New Special Use Permit
- Comprehensive Restoration of the Developed Onshore Area



## Preferred Alternative

Department of the Interior regulations, 43 CFR 46.425(a), state that a Draft Environmental Impact Statement (EIS), "should identify the bureau's preferred alternative or alternatives, if one or more exists." At this time, there is not a preferred alternative. Full and objective input from the public is encouraged on all of the alternatives analyzed in the Draft EIS. All public comments received on the Draft EIS will be evaluated and considered in the development of the preferred alternative which will be identified in the Final EIS.





## Environmentally Preferable Alternative

The National Park Service (NPS) is required to identify the Environmentally Preferable Alternative in its National Environmental Policy Act (NEPA) documents for public review and comment (NPS Director's Order 12 Handbook, Section 2.7D). Guidance from the Council on Environmental Quality states that the environmentally preferable alternative is "the alternative that causes the least damage to the biological and physical environment; it also means the alternative which best protects, preserves, and enhances historic, cultural, and natural resources" (CEQ 1981).

Alternative A is identified as the environmentally preferable alternative because it has the most potential to protect the biological, physical, and cultural environment in and around Drakes Estero.





## Impact Topics

**Many resources and activities have the potential to be affected by either issuing or not issuing a Special Use Permit for continued commercial shellfish operations within the Seashore. These resources were initially identified by National Park Service staff during internal scoping and were further refined through the public and agency scoping process.**

The following impact topics were retained for detailed analysis in the Draft Environmental Impact Statement:

- Wetlands
- Wildlife and Wildlife Habitat
  - Benthic Fauna
  - Fish
  - Harbor Seals
  - Birds
- Special Status Species
- Coastal Flood Zones
- Water Quality
- Soundscapes
- Wilderness
- Visitor Experience and Recreation
- Socioeconomic Resources
- National Park Service Operations

The following impact topics were considered but dismissed from further analysis because either (a) the resources do not exist in the project area or would not be impacted by the project, or (b) impacts would be less than minor.

- Vegetation
- Lightscape
- Air Quality
- Climate Change/Greenhouse Gas Emissions
- Geological Resources
- Paleontological Resources
- Cultural Resources
  - Archaeological Resources
  - Cultural Landscapes
  - Historic Structures
  - Ethnographic Resources and Sacred Sites
  - Indian Trust Resources
  - Museum Collections
- Environmental Justice





## Impact Analysis

The following impact topics were analyzed in detail in the Draft Environmental Impact Statement:

- Wetlands
- Wildlife and Wildlife Habitat
  - Benthic Fauna
  - Fish
  - Harbor Seals
  - Birds
- Special Status Species
- Coastal Flood Zones
- Water Quality
- Soundscapes
- Wilderness
- Visitor Experience and Recreation
- Socioeconomic Resources
- National Park Service Operations





## How to Comment

**The Draft Environmental Impact Statement (EIS) is available for public comment through November 29, 2011.**

During the open house, you can provide comments on the flip charts or submit written comments on comment sheets.

At any time during the comment period, you can submit your comments using any of the following methods:

- Submit comments on-line at: <http://parkplanning.nps.gov/pore>
- Mail or hand deliver comments to:  
**DBOC SUP EIS c/o Superintendent**  
**Point Reyes National Seashore**  
**1 Bear Valley Road**  
**Pt. Reyes Station, CA 94956**

Comments will not be accepted by FAX, e-mail, or in any other way than those specified above. Bulk comments in any format (hard copy or electronic) submitted on behalf of others will not be accepted.

### Project Schedule

**Public Review of Draft EIS**  
(Sept 23 - Nov 29, 2011)

**Preparation of Final EIS**  
(Fall 2011 - Summer 2012)

**Final EIS Released to Public with  
30 Day Waiting Period**  
(Summer 2012)

**Record of Decision Signed**  
(July 2012)