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2011 SEP 28 PM 12: 15
POINT REYES NS

[redacted]

Sept. 26, 2011

TO: Superintendent, Point Reyes National Seashore

Drakes Bay Oyster Company special use permit. EIS.

As a visitor to Drakes Bay Oyster Company I encourage you to issue them a new permit selecting Alternative C.

This little company is providing a service to the community and is not causing harm to the wilderness in that area.

Also, it is providing much needed jobs for the workers. Closing them down would be over kill use of regulations.

Sincerely,
Lincoln M. Bradley
Lincoln M. Bradley

CORRESPONDENCE ID: 62

COMMITTEE FOR THE PRESERVATION OF THE TULE ELK
43 KEYSTONE WAY
SAN FRANCISCO, CA. 94127

Draft EIS DBOC SUP
c/o Superintendent,
Point Reyes National Seashore
1 Bear Valley Road
Point Reyes Station, Ca. 94956

September 27, 2011

Please adopt: **Alternative A. No Special Use Permit - Conversion to Wilderness**
(No Action)

Bruce Keegan
Secretary

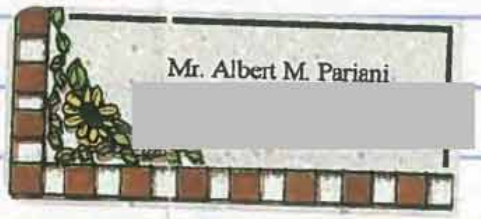
RECEIVED
2011 SEP 28 PM 12: 15
POINT REYES NS

RECEIVED
2011 SEP 28 PM 12: 15
POINT REYES NS

Sept 27-2011

Regarding the "OYSTER" farm in the Pt. Reyes National Seashore. This oyster farm was there before the Park. It has been cleaned up, many people work in this oyster bed. They pay the federal, state and County TAXES, which the USA need now. This place could be a small museum in the future. The people in Kayak do more damage in this bay, the seals are not bother by the oyster farm. They should stay in the park. Please excuse my handwriting.

Oyster Lover
Albert M. Pariani



Excuse my handwriting.

CORRESPONDENCE ID: 70

9-26-2011

RECEIVED
2011 OCT -3 PM 12: 10
POINT REYES NS

Superintendent:

This letter is to show my support for what I think is a good working relationship between the enviorment and Drakes Bay Oysters.

It appears to be a win-win situation between the enviorment, no damage being done, providing jobs, producing local food, and still let the public enjoy the National Seashore.

It also looks like that was the way it was originally set up by the members of Congress when the Point Reyes National Seashore was put into place.

I hope the National Park Service can see that it works very well for all of the people who use the National Seashore.

Yours

Ronald Pharis

[redacted]

NORTH BAY CA 949

30 SEP 2011 PM 2 T

Draft EIS DBOC SUP
c/o Superintendent
Point Reyes National Seashore
1 Bear Valley Road
Point Reyes Station, Calif.
94956

94956+9733

National Park Service
Supt. Pt. Reyes Natl
Seashore

Dear Sir:

I am writing in support of retaining the oyster operation in the Pt. Reyes Seashore. I have been there and feel it fits well into the ambiance of the area. Aesthetically and economically it should be allowed to continue.

The dairy farms seem to me to be a far greater mark on a "possible" wilderness than the oyster farm and as ~~[illegible]~~ they have and are being allowed to remain

Respectfully

Ila Smith

[redacted]

Draft EIS DBOC SUF
c/o Superintendent
Pt. Reyes National Seash
1 Bear Valley Rd.
Pt. Reyes Station 94956

30356+3793

NORTH BAY CA 949
27 SEP 2011 PM 2 1

Mrs. Ila Smith
[redacted]

RECEIVED
-5 AM 11:47
POINT REYES NS

John Becker [redacted]

October 1, 2011
DOI Secretary Ken Salazar
% Superintendent Cecily Muldoon
1 Bear Valley Road
Point Reyes Station, CA 94956

Dear Mr. Secretary:

Subject: DEIS Drakes Bay Oyster Company Special Use Permit, September 2011

Please exercise your discretion and SUPPORT ALTERNATIVE A (DEIS) and DO NOT GRANT a Special Use Permit enabling the Drakes Bay Oyster Company to continue commercial operations in Drake's Estero when the present Reservation of Use and Occupancy expires in November 2012.

I write as a year round resident of Marin County, living in Inverness, California, located on the Point Reyes Peninsula. I use the PRNS regularly, and I eat oysters.

Contiguous seashore on the Point Reyes Peninsula under NPS control is the issue here, and I urge you to support the NPS Mission and take advantage of the opportunity to remove commercial use of Drakes Estero by the Drakes Bay Oyster Company. Habitat preservation and wildlife protection are critical components to the DOI/NPS mission. My view is that habitat preservation along the Point Reyes Peninsula is particularly critical for species preservation. The current permit has been in place for 40 years, with a well known expiration date of 2012. Supporting the DOI goals for PRNS requires your office to DENY the special use permit sought by Drakes Bay Oyster Company, and SUPPORT Alternative A.

Sincerely,

John A Becker

John Becker

CC: Environmental Action Committee, PO Box 609 Point Reyes Station, CA 94956
Marin Audubon Society, PO BOX 599, Mill Valley, CA 94942-0500

[redacted] Page 1-1 Phone: [redacted] Fax: [redacted]

RECEIVED
OCT 11 PM 2:06
POINT REYES NS

WESTERN LANDS PROJECT
PO BOX 95545 SEATTLE, WA 98145 • (206)325-3503
WESTERNLANDS.ORG

Point Reyes National Seashore
ATTN: DBOC SUP DEIS
1 Bear Valley Road
Point Reyes Station, CA 94956

October 7, 2011

Dear Park Planners:

This letter constitutes comments of the Western Lands Project on the DEIS for the Drake's Bay Oyster Company Special Use Permit decision. We commend the Park Service for electing to undergo a full public process and analysis under the National Environmental Policy Act (NEPA).

Western Lands is a non-profit, membership organization conducting research, outreach, and advocacy for responsible federal land exchange policy. We also scrutinize a broad range of projects that propose to sell, give away, or relinquish public control of public lands. We oppose privatization of public lands, and this extends to quasi- or "virtual," privatization, such as exists under the DBOC operations.

Consistent with our mission to prevent—or in this case, reverse—privatization of federal lands, Western Lands Project opposes extension of the DBOC SPU and supports Alternative A, No Action. We strongly support subsequent Wilderness designation for the area now being used by DBOC.

It would be difficult to find clearer intent than that which is expressed in the 1976 House Report for PL 94-567—i.e., that there should be "efforts to steadily continue to remove all obstacles to the eventual conversion of these lands and waters to wilderness status."

Further, although we would support termination of the SUP regardless, the fact that DBOC has failed on several counts to comply with the terms and conditions of its SUP and RUO only underscores the desirability of removing the operation from the Estero.

We might also add that we would strongly prefer that the ranching operations permitted on the uplands of the Estero not continue, but we understand that in accordance with the

enabling legislation for the National Seashore the Park Service does not have discretion to terminate those uses.

Thank you for your consideration of these comments.

Sincerely,

Janine Blaeloch

Janine Blaeloch
Director

RECEIVED
2011 OCT 18 PM 3:09
POINT REYES NS

DBOC
EIS public comment: 10/14/2011

Robert Hildreth
[redacted]

ATTN: Cicely Muldoon,
Superintendent
Point Reyes National Seashore

The EIS woefully ignores documented attempts to "get Lunny" and skew the science by cherry-picking. Then NPS tried secret cameras that found EXCULPATORY evidence that was WITH-HELD from public & Inspector General. This is cheating!

Having been caught, NPS deleted the discussion and jerry-built an EIS. All of this aimed at closing Lunny, not at evaluating Lunny.

Start over:

1) Drake's Estero hasn't been a "wilderness" for 180 yrs. Try the nearby restaurant.
2) No evidence Lunny or oysters harm the estuary
3) NPS Keep out! Marine sanctuaries, Mammal protection, regional "fishery" plan, and State Fish + Game can "police" & protect Estuary without you.
4) Congressional sponsors favor keeping Lunny.

cc. Senator Diane Feinstein

Robert H. Hildreth

STATE OF CALIFORNIA Edmund G. Brown Jr., Governor

NATIVE AMERICAN HERITAGE COMMISSION
915 CAPITOL MALL, ROOM 364
SACRAMENTO, CA 95814
(916) 653-4082
(916) 657-5390 - Fax

RECEIVED
2011 OCT 18 PM 3:09
POINT REYES NS

October 13, 2011

Brannon Ketcham
National Park Service
1 Bear Valley Rd.
Point Reyes Station, CA 94956

RE: SCH# 2010104004 Drakes Bay Oyster Company Special Use Permit; Marin County.

Dear Mr. Ketcham:

The Native American Heritage Commission (NAHC) has reviewed the Notice of Completion (NOC) referenced above. The California Environmental Quality Act (CEQA) states that any project that causes a substantial adverse change in the significance of an historical resource, which includes archeological resources, is a significant effect requiring the preparation of an EIR (CEQA Guidelines 15064(b)). To comply with this provision the lead agency is required to assess whether the project will have an adverse impact on historical resources within the area of project effect (APE), and if so to mitigate that effect. To adequately assess and mitigate project-related impacts to archaeological resources, the NAHC recommends the following actions:

- ✓ Contact the appropriate regional archaeological Information Center for a record search. The record search will determine:
  - If a part or all of the area of project effect (APE) has been previously surveyed for cultural resources.
  - If any known cultural resources have already been recorded on or adjacent to the APE.
  - If the probability is low, moderate, or high that cultural resources are located in the APE.
  - If a survey is required to determine whether previously unrecorded cultural resources are present.
- ✓ If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
  - The final report containing site forms, site significance, and mitigation measurers should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for public disclosure.
  - The final written report should be submitted within 3 months after work has been completed to the appropriate regional archaeological Information Center.
- ✓ Contact the Native American Heritage Commission for:
  - A Sacred Lands File Check. . **USGS 7.5 minute quadrangle name, township, range and section required.**
  - A list of appropriate Native American contacts for consultation concerning the project site and to assist in the mitigation measures. **Native American Contacts List attached.**
- ✓ Lack of surface evidence of archeological resources does not preclude their subsurface existence.
  - Lead agencies should include in their mitigation plan provisions for the identification and evaluation of accidentally discovered archeological resources, per California Environmental Quality Act (CEQA) §15064.5(f). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American, with knowledge in cultural resources, should monitor all ground-disturbing activities.
  - Lead agencies should include in their mitigation plan provisions for the disposition of recovered artifacts, in consultation with culturally affiliated Native Americans.
  - Lead agencies should include provisions for discovery of Native American human remains in their mitigation plan. Health and Safety Code §7050.5, CEQA §15064.5(e), and Public Resources Code §5097.98 mandates the process to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery.

Sincerely,

Katy Sanchez

Katy Sanchez
Program Analyst
(916) 653-4040

cc: State Clearinghouse

Native American Contact List
Marin County
October 13, 2011

The Federated Indians of Graton Rancheria
Gene Buvelot
6400 Redwood Drive, Ste 300
Rohnert Park, CA 94928
coastmiwok@aol.com
(415) 895-1163 Home
(415) 259-7819 Cell

Coast Miwok
Southern Pomo

Ya-Ka-Ama
7465 Steve Olson Lane
Forestville , CA 95436
info@yakaama.org
(707) 887-1541

Pomo
Coast Miwok
Wappo

The Federated Indians of Graton Rancheria
Greg Sarris, Chairperson
6400 Redwood Drive, Ste 300
Rohnert Park, CA 94928
coastmiwok@aol.com
707-566-2288
707-566-2291 - fax

Coast Miwok
Southern Pomo

The Federated Indians of Graton Rancheria
Frank Ross
PO Box 854
Novato , CA 94948
miwokone@yahoo.com
(415) 269-6075

Coast Miwok
Southern Pomo

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of the statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH# 2010104004 Drakes Bay Oyster Special Use Permit; Marin County.

Comments regarding the Draft EIS for the Drakes Bay Oyster Company Special Use Permit:

Drake's estuary is the only undeveloped estuary on the entire west coast. Drakes as a wilderness estuary would be the only west coast wild estuary.

The major estuary food source for waterfowl and shorebirds, the native invertebrates, must share its unmeasured water column food source with commercial invertebrates. Drakes Estuary is a small body of shallow water and may not be able to provide for both.

The oyster operation is as much or more disturbing to the visiting migratory waterfowl and shorebirds as it is to the harbor seals. Oyster boats are disturbing birds every time they go on the water.

What is happening here is much like what is written about opposition to procuring parklands in the past. A similar opposition nearly prevented Yellowstone and Yosemite from being protected.

The continued commercialization of PRNS's Drakes Estuary is not a local issue it is national issue and must be addressed that way. It's loss would be loss to the nation.

Name: John O Connor

Email: [redacted]

Mailing

RECEIVED
2011 OCT 25 PM 12:10
POINT REYES NS

Superintendent Cicely Muldoon
Point Reyes National Seashore
1 Bear Valley Road
Point Reyes Station, CA 94956

RECEIVED
2011 OCT 24 AM 11:39
POINT REYES NS

Good day,

Like everyone else in Marin, I've been following the Drakes Estero events.
I was on the nps website and was reviewing some of the correspondence regarding the Drakes Bay Oyster Company and I noticed something and wanted to bring it to your attention.

http://www.nps.gov/pore/parkmgmt/planning_dboc_sup_deis_endnoted_correspondence.htm

On the NPS Special Use Permit #MISC-8530-600-5005, under **DBOC 2011f**:
Conditions of this permit:
2) USE OF PREMISES
   j) **No discharge into the estuary is permitted.** This prohibition includes any discharge from processing facilities. (please see enclosed pages)

And then I read **DBOC 2011d**, where it appears they're discharging into the Estero, so much so that they need to dredge.

March 5, 2011 (please see enclosed pages)
From DBOC to Natalie Gates
DBOC SUP EIS

Traditionally, and currently, millions of oysters are washed on the pier that lies just above the floating dock where DBOC parks its boats each year. **The result is that shell fragments and sediments from the washing process flow back to the Estero and settle to the bottom upon entry into the Estero water.**
The Johnson Oyster Company dredged this area annually so that the floating dock would remain over water at low tide and boats would have access to the dock. Since DBOC took over operations in 2005, this area has not been dredged. Currently, the **shell debris deposited from the oyster washing operations is interfering with the floating dock and essentially blocking boat access to the floating dock except at high tide.**
DBOC would like to address this problem in two ways. First, DBOC would like to obtain all necessary permits and permissions to dredge the area as shown on the site plan (attachment a). The area of shell debris removal is approximately 60' x 30'. The depth of the dredging in this area will vary from 0'0" to approximately 3'0" near the pier. The approximate total volume of dredged material is approximately 100 cubic yards. Dredging can be accomplished at low tide by using a hydraulic excavator from the shore. All dredged material will be loaded on trucks, removed from PRNS, and deposited at a dump site approved by PRNS. Second, DBOC will install a new oyster washing system (attachment b) within the oyster conveyer system that filters the wash water before it is returned to the receiving waters.

Should this be allowed to continue?

Regards,
Debra Connolly

DOC913

DRAFT COPY 5/5/05

Form 10-114
Rev. Jan. 00

UNITED STATES DEPARTMENT OF THE INTERIOR
National Park Service

Special Use Permit

Name of Use: Mariculture

Date Permit Reviewed 2005
Reviewed 20
Reviewed 20
Expires 2010

Permit # MISC-8530-6000-5005
Type Park Code No. #

Long Term X

Short Term

Point Reyes National Seashore
Name of Area

Kevin Lunny of Drakes Bay Oyster Compay
P.O. Box 69
17171 Sir Francis Drake Blvd.
Inverness, CA 94937
(415) 669-1209

is hereby authorized during the period **from «LoadInStart» on «BeginDate» to «LoadOutEnd» on «EndDate»** to use the following described land or facilities in the above named area:
Drakes Bay Estero at the Former Johnson's Oyster Site (see attached map)

For the purpose(s) of:
Use of the former Johnson's Oyster Site and access to Drakes Estero for the purpose of processing and selling wholesale and retail oysters, the interpretation of oyster cultivation to the visiting public and residential purposes reasonably incidental thereto, subject to the following.

Authorizing legislation or other authority (RE – DO-53): 16USC1, 1a-1, 3 & 459c; 36 CFR 1-99

NEPA & NHPA Compliance: CATEGORICALLY EXCLUDED _X_ EA/FONSI __ EIS __ OTHER APPROVED PLANS

PERFORMANCE BOND: Required X Not Required Amount $XX.00

LIABILITY INSURANCE: Required X Not Required Amount $1,000,000.00

ISSUANCE of this permit is subject to the conditions on the reverse hereof and appended pages and when appropriate to the payment to the U.S. Dept. of the Interior, National Park Service of the sum of **$«TotalPayment»**.

The undersigned hereby accepts this permit subject to the terms, covenants, obligations, and reservations, expressed or implied herein.

PERMITTEE: _____
Signature Organization Date

Authorizing Official: _____ Don L. Neubacher
Signature Superintendent Date

Additional Authorizing Official: _____
(if Required) Signature Title Date

CONDITIONS OF THIS PERMIT

1) GENERAL CONDITIONS

a) The Permittee shall exercise this privilege subject to the supervision of the Superintendent, and shall comply with all applicable laws and regulations of the area.

b) Damages - The permitted shall pay the United States for any damage resulting from this use which would not reasonably be Inherent In the use which the permittee is authorized to make of the land described In this permit.

c) Benefit - Neither Members of, nor Delegates to Congress, or Resident Commissioners shall be admitted to any share or part of this permit or derive, either directly or indirectly any pecuniary benefits to arise therefrom: Provided, however, that nothing herein contained shall be construed to extend to any incorporated company if the permit be for the benefit of such corporation.

d) Assignment - This permit may not be transferred or assigned without the consent of the Superintendent, in writing.

e) Revocation - This permit may be terminated upon breach of any of the conditions herein or at the discretion of the Superintendent.

f) The permittee is prohibited from giving false information; to do so will be considered a breach of conditions and be grounds for revocation [Re: 36 CFR 2.32(4)]

g) Permittee will comply with applicable public health and sanitation standards and codes.

2) USE OF PREMISES

a) Permittee intends to use the Premises for: **the purpose of processing and selling wholesale and retail oysters, the interpretation of oyster cultivation to the visiting public and residential purposes reasonably incidental thereto.** Permitter hereby approves this use and this use only. **No changes to this designated use or addition of retail sale items shall be permitted. No land use beyond the permit boundary is authorized.**

b) Permittee shall not engage in any activity that may be dangerous or harmful to persons, property, or the Park; that constitutes or results in waste or unreasonable annoyance (including, without limitation, signage, the use of loudspeakers or sound or light apparatus that could disturb park visitors outside the Premises); that in any manner causes or results in a nuisance; or that is of a nature that it involves a substantial hazard, such as the manufacture or use of explosives, chemicals or products that may explode.

c) The Parties hereby acknowledge and agree that Permittee's covenant that the Premises shall be used as set forth in this Section "Use of the Premises," is material consideration for Permitter's agreement to enter into this Permit. The Parties further acknowledge and agree that any violation of said covenant shall constitute a Default under this Permit and that Permitter may inspect the premises at any time.

d) Permittee's use of the land is subject to the right of the NPS to establish trails, roads and other improvements and betterments over, upon, or through said premises and further to the use by travelers and others of such roads and trails as well as those already existing. The Permittee understands that occasional park visitors are authorized to walk or hike in the various areas included in this Permit even though no trail is formally established.

e) Permittee's operations are to be set back on the shore a minimum of 50 feet from the mean high tide mark, excepting that area which is the subject of this permit and that is described in the attached map.

f) While Permittee is permitted to use and operate watercraft in Drakes Estero for the purpose of conducting daily business operations, no other use of Permittee's watercraft is authorized. No motorcraft may enter the designated wilderness boundary (See attached Map of Designated Wilderness Boundary). Any additional or replacement boat

motors obtained by Permittee must be four stroke motors.

DOC913

g) Permittee must avoid disturbance to marine mammals and marine mammal haul-out sites. The Marine Mammal Protection Act includes a prohibition against any act of pursuit, torment or annoyance that has the potential to injure or disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering. (16 USC 1362, 16 USC 1372) The National Oceanic and Atmospheric Administration (NOAA) recommends maintaining a distance of at least 100 yards to avoid disturbance to seals. Permitter will monitor marine mammal populations in Drakes Estero.

h) In order to avoid introduction of exotic pests to Drakes Estero only oyster "seed" and not whole oysters may be imported. Seed must be obtained from regions approved by Permitter. At issuance of this permit Washington State is the sole approved region.

i) In the interest of public health and safety, due to a lack of adequate parking space and restroom facilities for the public, barbecuing is not permitted in the Special Use Permit Area; visitors may be directed to facilities located at Drakes Beach.

j) No discharge into the estuary is permitted. This prohibition includes any discharge from processing facilities.

k) In order to ensure public health and safety no Pets, including dogs and cats, shall be permitted in the Special Use Permit Area.

l) In order to ensure public health and safety, Permittee will allow all appropriate Federal, State and/ or County agencies; including the United States Department of Health and Human Services, the State of California Department of Health Services, and Marin County Community Development Agency Environmental Health Services, to conduct inspections on a routine basis.

m) In order to control invasive species, Permittee will make every effort to ensure that no new species enters the estuary. Permittee will remove the invasive tunicate Didemnum vexillum where found (oyster racks, equipment and other features) in an effort to control population and slow spread.

3) <u>CONSTRUCTION OF IMPROVEMENTS OR ALTERATIONS</u>

a) Permittee may only make those Improvements or Alterations to the Premises that relate to Permittee's use of the Premises as specified in Item 2, "Use of the Premises."

b) Permittee shall not undertake any Improvements or Alterations to the Premises (including temporary equipment or facilities) without the prior written approval of Permitter.

c) As a prerequisite to obtaining approval for Improvements or Alterations, Permittee, at Permittee's sole cost and expense, shall submit design plans and any other relevant data for Permitter's approval.

d) Construction of Improvements or Alterations by Permittee shall be performed in accordance with all Applicable Laws and approved design plans and shall be undertaken and completed at Permittee's sole cost and expense.

e) Permittee shall, upon request, furnish Permitter with a true and correct copy of any contract, and any modification or amendment thereof, with Permittee's contractors, architects, or any other consultants, engaged in connection with this Permit.

f) Any Improvements or Alterations undertaken by Permittee shall be performed in a good and workmanlike manner and with materials of a quality and standard acceptable to Permitter. Permittee shall also construct, install and maintain equipment and any construction facilities on the Premises in a safe and orderly manner.

g) Permittee shall not construct any Improvements or Alterations outside the boundaries of the Premises.

DOC181

Drakes Bay Oyster Company

17171 Sir Francis Drake Boulevard
Inverness, CA 94937
(415) 669-1149
kevin@drakesbayoyster.com
nancy@drakesbayoyster.com

March 5, 2011

Natalie Gates
DBOC SUP EIS

Re: Boat parking and floating dock area dredging

Dear Natalie,

During your site visit with VHB on February, 16, 2011, we discussed dredging at the end of the pier. You asked us to describe the dredging request so that it can be included in the current EIS analysis. Thank you for reminding us and for allowing us time to submit this request.

Traditionally, and currently, millions of oysters are washed on the pier that lies just above the floating dock where DBOC parks its boats each year. The result is that shell fragments and sediments from the washing process flow back to the Estero and settle to the bottom upon entry into the Estero water.

The Johnson Oyster Company dredged this area annually so that the floating dock would remain over water at low tide and boats would have access to the dock. Since DBOC took over operations in 2005, this area has not been dredged. Currently, the shell debris deposited from the oyster washing operations is interfering with the floating dock and essentially blocking boat access to the floating dock except at high tide.

DBOC would like to address this problem in two ways. First, DBOC would like to obtain all necessary permits and permissions to dredge the area as shown on the site plan (attachment a). The area of shell debris removal is approximately 60' x 30'. The depth of the dredging in this area will vary from 0'0" to approximately 3'0" near the pier. The approximate total volume of dredged material is approximately 100 cubic yards. Dredging can be accomplished at low tide by using a hydraulic excavator from the shore. All dredged material will be loaded on trucks, removed from PRNS, and deposited at a dump site approved by PRNS. Second, DBOC will install a new oyster washing system (attachment b) within the oyster conveyer system that filters the wash water before it is returned to the receiving waters. The system will trap shell fragments and sediments into a container that will be closely monitored and maintained. All shell fragments and sediments removed by the washing and filter system will be loaded on trucks and

removed from PRNS. Once the dredging and the new washing system are completed, DBOC does not believe that any dredging will be necessary in the future.

Sincerely,

Kevin & Nancy Lunny

October 20, 2011 Point Reyes Light

Letters

CORRESPONDENCE ID: 271

OCT 26 AM 11:39

Attn: Superintendent

regarding the DBOC lease renewal - I agree wholeheartedly with Margaret Graham's letter recommending a "new Alternative E", and her comments on the subject.

I am a local homeowner (resident) of 35 years.

In my opinion we need more oysters and fewer Kayakers!

Sincerely,

Leslie Corbett
Inverness Park

Alternative E

Dear Editor,

We would like to propose an Alternative E to the Drakes Bay Oyster Company EIS. This Alternative would simply extend DBOC's contract another 10 years with the same restrictions and conditions they are currently operating under. The 1992 Inter-agency Federal-State protocols for the oyster farm are working and should be continued, governing the oyster operations for the next 10 years. And Alternative E must include the renewal clause proposed in Senator Feinstein's legislation that led to the EIS in the first place. Without it we will have no choice, or reason to continue this open dialog on the future of agriculture in West Marin.

Alternative A just closes the oyster farm down and Alternatives B,C, and D seem unfairly punitive. To severely restrict their operation when no apparent environmental harm has occurred makes no sense. These restrictions seem designed to force the oyster farm out of business and doesn't give our community the space to investigate the adverse consequences of such a closure. If, as we believe, a majority of us wish to retain a viable, sustainable agricultural presence here, we need to take a serious look at the ecological repercussions in closing down DBOC. The last 4 years have been devoted to the "potential harm" the oyster farm might cause to the environment, almost no attention has been paid to the benefits it creates or to the repercussions to the local ranchers if they are shut down. Oysters are filter feeders, they clean the water after it runs off of the ranch fields during the rainy season. If the oysters are removed there is a good chance that the ranches in the same watershed would be the next to be told to go. And if the cattle are removed the non-native introduced grasses that cover the hillsides could, probably would, threaten the endangered plant species in the Park.

It's time to come together and decide if our vision of life here includes a viable agricultural component. If it does then we need to be proactive, we need to work with the ranching community and the National Park Service to create a supportive environment for agriculture. Alternative E would give us all the breathing room to study and discuss the real environmental concerns surrounding the oyster farm. Any action has consequences and we need to take the time to talk about it before it's too late. This is why we support a new Alternative E.

Margaret Graham and Lynnette Kahn
Tomales and Marshall

Tone elevation

Dear Editor,

Regarding the "tone elevation" letter from October 13: I strongly disagree with the group cheer-leading effort and smarmy defense of National Park Service staff. When the responsible public agency cheats, it doesn't deserve courtesy and respect. I'm dismayed by the denial and cover-up in the NPS and pseudo-environmental NIMBYism in the community. "Civility" isn't as important as honesty. The letter writers lost credibility with me.

Bob Hildreth
Inverness Park

Menace of the first water

Dear Editor,

The Drakes Bay Oyster controversy, or better said, vendetta, has been allowed to go on far, far too long and needs to be stopped instantly if not sooner. What I want to know is why there is no cohesive coterie and concerned, reasonably thoughtful citizens convened to apply the brakes to this out-of-control, careening wagon train of scoundrels for whom the truth is irrelevant. All the important

CORRESPONDENCE ID: 469

A personal note ...

10.29.11

"Draft EIS/D BOC Sup" Pt. Reyes Wilderness

As a member of the Sierra Club I strongly support Alternative A (no action) the only one that will allow the lease to expire and Drakes Estero to become part of the existing Phillip Burton Wilderness as the law states.

Yours truly

Margaret Mulligan

Ms Margaret Mulligan

USA FIRST-CLASS FOREVER

Pt. Reyes Sup

October 31, 201

Melanie Gunn
Public Outreach Coordinator. PRNS

Dear Ms Gunn,

We urge the Secretary of the Interior not to exercise the discretionary authority provided him by Section 124 of the Public Law (PL) 111-88 enacted by Congress on October 30, 2009. This law came about through political pressure placed upon our elected representatives by a focused group of individuals intent on supporting a local rancher who recently took over the RUO due to expire in 2012. He was issued a special use permit until the time of the same expiration date as the RUO. We cannot sacrifice our parks to this kind of after the fact change of intent to manage the proposed wilderness areas of our parks.

We support Alternative A, No New Special Use Permit-Conversion to Wilderness (No-Action) for the following reasons:

Drakes Estero is the only undeveloped estuary on the entire west coast. Drakes Estero as a wilderness estuary would be the only pacific coast wild estuary in the United States.

The estuary's major food source for waterfowl, shorebirds, and the native invertebrates, must share its unmeasured water column food source with the non-native invertebrates DBOC oysters. The basis of the food chain in Drakes Estero is plankton and it is a limited food source, being carried into the estero by the tides. Drakes Estero is a small body of shallow water and is not able to provide adequate food sources demanded for survival of all the invertebrates that inhabit this marine environment.

The oyster operation is as much or more disturbing to the visiting migratory waterfowl and shorebirds than it is to the harbor seals. Oyster boats are disturbing birds every time they go on the water.

What is happening here is much like what is written about the historical opposition to procuring parks and then protecting the same parklands from commercial development. Concerned citizens fought private commercialization for profit, and parks like Yellowstone and Yosemite remain protected to this day due to their efforts.

The continued commercialization of PRNS's Drakes Estero is not a local issue; it is national issue and must be addressed as a national issue. All the citizens of the United States own Drakes Estero. Issuing a new special use permit in 2012 to the private enterprise operated by Kevin Lunny known as Drakes Bay Oyster Company, would be a loss to the nation.

Thank you for the opportunity to comment. We are life long residents of Marin County and have lived at the southern border of PRNS since 1965, at 5955 Hwy 1, P.O. Box 116, Bolinas, CA 94924.

Sincerely,

John and Cela O'Connor
email [redacted]

John and Cela O'Connor
[redacted]

NORTH BAY CA 949
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Melanie Gum. Public Outreach
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October 28, 2007

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POINT REYES NS

Ms. Cicely Muldoon
Superintendent
Point Reyes National Seashore
Point Reyes, CA 94956

Dear Ms. Muldoon:

Public Employees For Environmental Responsibility (PEER) and Wilderness Watch jointly conclude that the lands and waters designated as wilderness and potential wilderness within Point Reyes National Seashore is no place for commercial aquaculture. We urge the National Park Service (NPS) to halt the Drakes Bay oyster farm when the current 40-year lease expires in 2012.

The Organic Act of 1916 mandates that the NPS conserve natural objects and wildlife of the parks in an unimpaired state. The enabling act for Point Reyes, as amended in 1976, requires that the NPS administer Point Reyes in accordance with the Organic Act, and "without impairment of its natural values…and supportive of the maximum protection, restoration and preservation of the natural environment within the area." 16 U.S.C. 459c-6(a). The enabling act contains no exceptions for commercial aquaculture. Commercial aquaculture exists at Point Reyes only as a pre-existing, time-limited lease that has a fixed expiration date.

Beyond allegations that commercial aquaculture impairs natural objects and wildlife, commercial aquaculture is contrary to "maximum protection, restoration and preservation" of the natural environment in Drake's Bay. In addition, there is a more compelling legal reason why the oyster farm must end. In 1976 Congress designated 25,303 acres of Point Reyes as wilderness and 8,003 acres as potential wilderness (P.L. 94-544 and P.L. 94-567). The lands and waters used by Drakes Bay Family Farms are in an area classified by Congress as "potential wilderness." Congress mandated that potential wilderness be reclassified by the Secretary of the Interior as wilderness when "…all uses prohibited by the Wilderness Act have ceased."

The Wilderness Act prohibits, among other things "commercial enterprise" 16 U.S.C. 1133(c). An exception to this prohibition exists only for "commercial services"

necessary for recreation 16 U.S.C. 1133(c) (5). Thus, upon expiration of the current 40-year lease for the commercial aquaculture in 2012, the NPS cannot issue a new lease. Rather, the NPS must reclassify the area of the leasehold as wilderness. It would be inconsistent with the law for the NPS to perpetuate the prohibited use that renders the potential wilderness unqualified for re-designation.

The NPS is familiar with the re-designation process at Point Reyes National Seashore. On November 10, 1999, the NPS published a Federal Register notice to re-designate 1,752 acres of potential wilderness of Point Reyes as full wilderness. The Drake's Bay leasehold area represents a significant portion of the remaining "potential wilderness" in Point Reyes.

PEER and Wilderness Watch recognize the political pressure being brought to bear on the NPS but we all recognize that it is law and difficult decisions that sustain the integrity of the national park system. The law requires that Point Reyes be managed "without impairment of its natural values…and supportive of the maximum protection, restoration and preservation of the natural environment within the area" 16 U.S.C. 459c-6(a). The Wilderness Act further reinforces this mandate by strictly proscribing commercial enterprise. There is no room in Drakes Bay for commercial aquaculture once the lease expires.

Never before has the NPS or Congress authorized a commercial enterprise within areas designated as wilderness or potential wilderness in an area of the national park system. Never before has the NPS or Congress authorized a commercial aquacultural operation in a national seashore.

Point Reyes is one of the superlative gems of the national park system, to be managed for the inspiration and benefit of all the American people. To place the interests of one lessee over the integrity of Point Reyes National Seashore and the national park system would be most unfortunate.

In the history of our national parks, we as a nation resisted grazing sheep in our parks to provide wool for the uniforms of the World War I doughboys. In World War II, we as a nation repelled attempts to cut the Sitka spruce forests in Olympic National Park for the war effort. What has become of us as a people if we as a nation cannot protect the precious resources of Point Reyes for a few oysters? We pledge to do all that we can to help protect Point Reyes National Seashore.

Cordially,

Jeff Ruch
PEER Executive Director

George Nickas
Executive Director
Wilderness Watch