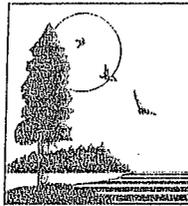


**CALIFORNIA STATE
LANDS COMMISSION**

JOHN GARAMENDI, *Lieutenant Governor*
JOHN CHIANG, *Controller*
MICHAEL C. GENEST, *Director of Finance*



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July 26, 2007

Mr. Michael Greenberg
Alliance for Local Sustainable Agriculture
P.O. Box 1316
Point Reyes Station, California 94956

Mr. Michael Greenberg

Thank you for taking the time to meet with me and my staff about oyster farming at Drake's Estero. It was a pleasure to meet you, the Lunneys and Mr. Wigert. We understand your concerns that there is a potential for the National Park Service to end oyster farming in Drake's Bay in the near future or in 2012 when Mr. Lunney's occupancy rights terminate under federal legislation creating the National Seashore.

We have reviewed land conveyances made by the Office of the Surveyor General and the Legislature as they pertain to the tide and submerged lands of the Estero and have concluded that they have conveyed out all of the State's real property interest except the mineral estate. This leaves the Commission with no jurisdiction over the bed of the Estero and precludes us from taking any action.

Secondly, we have taken a look at the constitutional "right to fish" reserved in the 1965 legislative grant. It is our belief that this reservation addresses fishing in the sense of taking or capturing fish and that it does not deal with aquaculture which comes under the jurisdiction of the Department of Fish and Game. It also apparent that the right to fish is not an absolute one and that it is susceptible to reasonable regulation.

Unfortunately, then, I do not believe there is anything the State Lands Commission can do to assist you in helping the Lunneys preserve their oyster farming operations. If you believe we can be of assistance in other aspects, please feel free to contact us.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul D. Thayer". The signature is fluid and cursive, written over the printed name and title.

PAUL D. THAYER
Executive Officer