

DRAKES BAY OYSTER COMPANY

17171 Sir Francis Drake Blvd., Inverness, CA 94937

California Coastal Commission
Attn: Jo Ginsberg
45 Fremont Street, Suite 2000
San Francisco, CA 94105

RECEIVED

NOV 14 2008

CALIFORNIA
COASTAL COMMISSION

November 14, 2008

RE: Consent Cease & Desist Order No. CCC-07-CD-11

Dear Ms. Ginsberg,

Enclosed please find the additional documentation required to comply with the Consent Cease & Desist Order No. CCC-07-CD-11. Thank you for allowing the additional time to complete this submittal.

1. DBOC has developed a Hazardous Materials Business Plan to comply with 3.1.2 of the Consent Order – WATER QUALITY /HAZARDOUS WASTE. This plan is attached as Exhibit 1. When this new Hazardous Materials Business Plan is accepted by the California Coastal Commission DBOC will convene a meeting with the National Park Service for their concurrence.
2. In response to section 3.1.3 – THERMAL DISCHARGE and SEAWATER USE; Water is heated in the hatchery and setting tanks to approximately 75 degrees Fahrenheit. The minimum ambient temperature of the estuary water near the hatchery is approximately 50 degrees Fahrenheit. Heated water is blended with cool water in tanks before discharge into the estuary. Discharged water does not exceed 65 degrees at any time. Seawater intake flow rate is up to 39.6 GPM with the 5HP pump and 22.7 GPM with the 1HP pump. The intake screen has a surface area of 16 square feet. With the larger pump running at full flow (39.6 GPM), the flow rate through the screen is approximately .31 feet per second. Seawater use is limited to only what is necessary for regular operations.
3. DBOC has created Exhibit 2 to comply with Section 3.2.3 of the Consent Order - REMOVAL OF ABANDONED EQUIPMENT. Exhibit 2 is a spreadsheet showing the: Area, Rack, Number of Bents, GPS Coordinates of each end of each individual rack, and the Condition of each rack. All area racks are grouped together per California Department of Public Health Certified Harvest Areas. The numerical distinction for the Condition of Racks is: 1. Good Condition, 2. Needs Repair, and 3. Removal planned. For Exhibit 3 we have produced individual maps for each Harvest Area and have labeled each rack within its Area. There are twelve individual areas with twelve coordinating maps in Exhibit 3.
The Debris Removal Plan consists of pulling out all debris by hand, loading it by hand onto a barge or boat, taking it to the DBOC dock, loading it onto a truck, and off-hauling the material to an approved dump site. Removal would be completed within 60 days of approval of the Debris Removal Plan. Within 30 days of completing debris removal, we shall submit to the Executive Director and National Park Service a final report detailing the material that was removed, the locations from which this material was removed, the techniques and equipment used, and the location of the disposal facility.
4. In response to Section 3.2.4 – INVASIVE SPECIES; please find Exhibit 4; Long-Term Permit to Import Live Aquatic Animals into California from Kona Coast Shellfish for 2008. Coast Seafood owns and operates both the Quilcine Hatchery in Washington state, as well as the Kona Coast Hatchery in Hawaii. Orders are placed with the same person

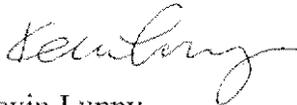
and at the same phone number for either of their locations, therefore DBOC was unaware in 2007 that a separate import permit was required for the Kona Coast Hatchery. When ordering larvae from Coast Seafoods, we were unaware from which hatchery we were getting the product. It has come to our attention that it is necessary to have an import permit from each of the Coast Seafoods hatcheries. Kona Coast Shellfish Hatchery was indeed a source that was approved by the California Department of Fish & Game in 2007. Also in response to Section 3.2.4, is Exhibit 5: Proof that all DBOC seed/larvae providers have been certified by California Department of Fish and Game to be free to pathogens.

5. Section 3.2.5. – BOAT TRANSIT: Provided is Exhibit 6; a Vessel Transit Plan that includes a higher resolution aerial map of Drake's Estero with mooring areas and access lanes (both commonly-used channels and channels used only when certain racks/bags are active described and differentiated) clearly marked. For commonly used channels, bottom bag culture areas, and mooring areas see Exhibit 6. Exhibit 2 shows the access routes taken when it is necessary to access certain active racks.
6. Section 3.2.6 – HARBOR SEAL PROTECTION AREAS. The Consent Cease and Desist Order temporarily limits the use of growing areas to that which was actively growing oysters when the California Department of Public Health staff, using a GPS, identified those areas except Bed 17. Bed 17 is shown in its entirety rather than only the actively used portion. See Exhibit 7a for individual bed locations. As you will see in Exhibit 7b the 2007 –2008 Annual Sanitary Survey; The Approved Area – Bed 17 is shown in white. This depicts the entire 25.46 acres of fully approved shellfish growing waters. The Consent Order Seal Protection Area bisected this Approved Area – Bed 17. No oysters were being grown prior to the Consent Order or are being grown in the portion of Bed 17 that now falls within the Seal Protection Area. Therefore, no oysters either need or needed to be removed. In reference to oysters being grown in Approved Area – Bed 17, outside of the Seal Protection Area; we utilize the entire area as shown.
7. Section 3.2.7 – PACIFIC OYSTER and EUROPEAN FLAT OYSTER. Kumamoto oysters have been removed from Drake's Estero. They were in Bed 39. Please see Exhibit 8 –letter from the California Department of Fish & Game. DBOC plans to submit a request to the California Fish & Game Commission for a boundary line adjustment so that these five historic racks are included within Lease number M38-01. In the request, DBOC will agree to forfeit an equal portion from the lease from elsewhere in the Lease. These five racks located in Harvest Area 6 constructed in the 1960's that have been identified by the CCC are shown in Exhibit 9 with a suggested boundary line adjustment.
8. Section 3.2.9 – USE OF BOTTOM BAGS. Bottom bags are used only in areas devoid of eelgrass. In areas where currents may have the potential to move bags that have been placed on the intertidal substrate, bags are fastened to anchored ropes. DBOC staff is responsible to assess each bottom culture growing area to insure that no oyster grow out bags are located in eelgrass. Staff is to immediately remove any materials that are found in eelgrass. Bottom bags containing oysters require attention. As a rule, bags need to be maintained (usually flipped over) on a monthly basis. Intervals may vary depending on the time of the year and the size of the oyster. Bottom bags containing clams require far less maintenance, usually about once per year.
9. Section 3.2.10 – MAXIMUM ANNUAL PRODUCTION LIMIT. In our original response to 3.2.10 in our letter dated January 31, 2008, we supplied the CCC with a detailed planting and harvest projection report. Before its submittal, this report was first sent to CDFG for analysis. CDFG made certain recommendations for changes to the report. After making those corrections to the report, it was re-

submitted to CDFG for a final review before it was submitted to the CCC. All information in this report was accurate, yet the harvest projections were off. Year to year there are many different conditions that may affect the harvest level of shellfish. Rainfall, temperature, ocean conditions, larvae quality, seed quality, hatchery conditions and management all contribute to growth rate and survivorship of the shellfish. For the past two years, in particular, *Vibrio tubiashii* has caused significant problems for oyster larvae and seed survivorship and performance. This particular condition has significantly affected the DBOC production. It is not unusual that harvest projections turn out to be inaccurate. Certainly, if conditions were different, our projections could have been accurate. This is farming and there are no guarantees. It would be irresponsible of us to reduce the maximum production limit to match a year with poor production. Setting the maximum level below 850,000 pounds would put DBOC into a position of being out of compliance with the consent order, face potential penalties and public embarrassment if a normal or good year were to occur. Another part of the reason that DBOC did not meet the projected harvest is that the clams are growing more slowly than projected. No non-oyster species have been harvested from Drakes Estero yet. The clams are, however, still growing and will add to the overall shellfish harvest when they begin to reach harvest size. Attached as Exhibit 10 are the monthly tax reports as submitted to CDFG for January through August, 2008 as requested. Also, attached as Exhibit 11, are the seed and larvae documentation for 2005 and 2006. The totals for 2005 were 203 million oyster larvae and 1 million manila clam seed. The totals for 2006 were 103 million oyster larvae, 1.25 million oyster seed and 1 million manila clam seed.

We look forward to the agreement that DBOC is in full compliance with the consent order. With this in place, we can concentrate on the permanent Coastal Development Permit.

Sincerely,



Kevin Lunny

Enclosures: (Exhibits 1 - 11)

DRAKES BAY OYSTER COMPANY
17171 Sir Francis Drake Blvd., Inverness, CA 94937

EXHIBIT 1

HAZARDOUS MATERIALS BUSINESS PLAN

11 Pages

California Coastal Commission
Consent Cease & Desist Order No. CCC-07-CD-11

HAZARDOUS MATERIALS BUSINESS PLAN

DRAKES BAY OYSTER COMPANY

Lead Agency:

Point Reyes National Seashore
Point Reyes Station, CA 94956
Contact: Don Neubacher, Superintendent

Project Location:

17171 Sir Francis Drake Blvd.
Inverness, CA 94937

The Hazardous Material Business Plan is for an existing Oyster Farm.

Drakes Bay Oyster Company

Hazardous Materials Business Plan

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INTRODUCTION

DBOC has developed a business plan in compliance with California State law AB2185 which requires businesses who store hazardous materials in reportable quantities to submit a plan to the local administrating agency. Reportable quantities are hazardous materials stored in quantities at any one time in the area, which are greater than or equal to 55 gallons, 500 pounds or 200 cubic feet of gas at standard temperature and pressure. The Hazardous Materials Business Plan will include an inventory of those hazardous materials in reportable quantities.

The plan will also have procedures for emergency response in the event that a hazardous material at the DBOC should be released. This section will also provide emergency phone numbers of persons identified to react to a release. The hazardous materials business plan will also include a training program, which is reasonable and appropriate for the size of the farm and the nature of the hazardous materials handled. The training program will include the responsibilities of the employees to be trained and will include methods for safe handling of hazardous materials. It will also include methods for safe handling of hazardous materials. It will also include procedures for coordination with local response organizations, use of emergency response equipment and supplies and all procedures required for notifying emergency personnel in the event of a release. The business plan will be updated when one of the following occurs:

- 1) 100% increase in the quantity of a previously disclosed material
- 2) any handling of a previously undisclosed material into the inventory
- 3) change of business address, ownership or name

The president of DBOC will train the supervisors and managers about the Hazardous Materials Business Plan.

INVENTORY & STORAGE OF HAZARDOUS MATERIALS

- 1) Gasoline (150 gallons):
 - 27 gallons on vessel 5
 - 30 gallons on shore in 6 gallon approved marine fuel tanks.
- 2) Lube oils (EXEMPT):
 - motor oil
- 2) Household Bleach (EXEMPT):
 - 8 gallons at storage unit
- 3) Other Biodegradable Cleaners (EXEMPT):

- in container of less than 1 gallon
- 4) Paints, thinners, or resins:
 - Less than 5 gallons of each in containers of 1 gallon or less
- 5) Herbicides, insecticides, fertilizers or poisons - NOT PERMITTED

All hazardous material storage shall be inside the storage container, securely stored and properly labeled.

Note: "Exempt" refers to California State Law AB2185. Reportable quantities are hazardous materials stored in quantities at any one time in the area, which are greater than or equal to 55 gallons, 500 pounds or 200 cubic feet of gas at standard temperature and pressure.

SPECIFIC PROCEDURES FOR USE/SPILL PREVENTION OF HAZARDOUS MATERIALS

1) Gasoline

Fueling - Fueling of small boats (16-30' vessels with outboard motors) will be conducted using 5-gallon portable containers. These containers will be filled at a local gas station.

Spill Prevention - Vent cap and filling cap are twisted closed prior to transport to small boats. Portable containers are moved to the vessels by a two-wheeled cart down the gangway. Then the containers are moved to the work float followed by lifting by hand into the boat. No portable gas tanks are to be left on the dock or mooring floats unattended.

Portable tanks that have leaking connections are to be taken out of service, tagged and stored in the equipment shop until disposal in a safe manner.

Fill cans (1-2 gallon) for small engines such as pumps, weed whacker, and chain saw will only be filled by a California approved drip resistant container. Cracked or leaking containers are to be taken out of service and tagged.

2) Motor Oil/Lubricating Oil (EXEMPT)

I.

Crank case - dipstick checked daily. Additional oil will be added as necessary from a 1-quart container.

Spill prevention-Oil port will be wrapped with an absorbent rag to catch any oil drips.

II.

Skiffs (16-30')

Oil changes of outboard motor crank cases- Not permitted over water. Boats will be hauled out and taken to repair shop for oil changes. If a repair shop is not available, the oil change will be conducted inside the equipment shop with appropriate spill prevention in place.

Appropriate spill prevention includes: absorbent materials, drip pans, and rags. Tarp and oil absorbent material will be placed under the outboard motor with oil catch basin in place.

Waste oil will be stored in a marked container with lid until recycling.

III.

Vehicle oil change- Vehicles will be taken to repair shop away from the farm.

3) **Household chlorine Bleach (EXEMPT)**

Chlorine is used as a disinfectant in shucking and packing facility. Chlorine is stored in storage containers.

4) **Other Biodegradable Cleaners (EXEMPT)**

Cleaners, such as "Simple Green" are authorized for use at DBOC. Discharge will be plumbed to the septic system.

Wall cleaning of the facility and other food handling equipment is to be conducted by a septic safe cleaner. These septic safe cleaners may include HS 110 and approved by USFDA for food handling equipment.

Only cleaners marked "septic safe" are permitted at DBOC.

Spill prevention – Absorbent pads or rags will be available in the event of a release.

5) **Paints, thinners or resins (EXEMPT)**

All paint, thinners, resins and other routine shop repair items will be stored in the storage container. These items will be stored in quantities that do not exceed 5 gallons.

Spill prevention- Store containers in an upright position. Twist caps shut after each use. Use the containers contents completely.

6) **Herbicides, insecticides, fertilizers or poisons**

Not permitted at DBOC.

EMERGENCY RESPONSE PROCEDURES

DBOC shall take all necessary measures to prevent leaks or potential leaks. However, should a hazardous material be released by accident the following will occur. In accordance with our policy on emergency situations, anyone witnessing such an act or occurrence will immediately notify the president of DBOC or a manager at DBOC. Upon receipt of a call that there has been a release, the manager will immediately:

- 1) notify those persons on the emergency call list located within the plan
- 2) immediately survey the area keeping upwind of the release
- 3) make a note of the location and possible name or type of chemical released and convey this information to those persons responding from the emergency call list.
- 4) If needed, farm personnel will go to the intersection of Sir Francis Drake Blvd and Oyster Company Road to direct emergency responders to the site.

The first responding personnel will make the determination whether or not to notify local fire and police and will make attempts to control the release. In any event, notify the Marin County Environmental Health Services and the State Office of Emergency Services, as well as other agencies, depending on the amount and type of material released. If the situation is deemed out of control or beyond the scope of responding personnel, the Fire Department and Police Departments will be notified. The emergency response personnel will then act as liaison to the Fire Department or to the proper authorities.

DBOC will keep on hand the following: chemical spill kits capable of handling a minimum of 10 gallons. Any quantities in excess of the above will have to be dealt with by local authorities.

At least annually, management will contact the Marin County Fire Department and the National Park Service to request a fire safety inspection at the farm. A tour will be conducted for fire fighting personnel of the buildings, dock and adjacent roadways in order to familiarize first responders with the terminal. Farm personnel will participate from time to time in drills to respond to earthquake, tsunamis, flooding and other disaster preparedness. The DBOC manager is responsible in insuring that the terminal has all appropriate safety equipment on hand. This will include: PFD's (personal flotation devices), fire extinguishers, absorbent materials, and waste containers. At least monthly, managers will review the location and use of safety equipment with the crew and note any expired materials, including fire extinguishers, torn PFD's, spent air horns, flares or other expendables spill and safety equipment. Managers are authorized to purchase new safety equipment as needed from West Marine Products in Sausalito, California.

HAZARDOUS MATERIAL RELEASE CONTINGENCY PLAN

ACTIONS:

I. In a release situation the following are actions that personnel should use:

- 1) Use proper protective equipment.
- 2) Keep unauthorized and unnecessary people out of the area.
- 3) If possible, stop and contain the leak (see section on spill containment).
- 4) If possible, prevent the material from getting into drains or water courses
- 5) Use approved absorbent and or diking methods.
- 6) Clean up the material (see section on disposal).
- 7) Notify immediately the County Office of Emergency Services if there is a "reasonable belief" that the release or threatened release poses a significant present or potential hazard to human health and safety, property, or the environment.
- 8) In the event of an oil spill notify: National Response Center (1-800-424-8802) and The California Office of Emergency Services (1-800-852-7550) and California Department of Fish and Game, Oil Spill Prevention and Response, Sacramento office at (916) 445-9338.

All the materials necessary to control a release are located in the following areas:

- 1) In the storage container (see section on equipment and supplier) in a specially designated area. Personnel have been shown the equipment and understand its use.

Oyster Skiffs (16' and 18'):

- 1) Materials can be found in the aft storage compartment.

II. If for any reason a serious situation such as an earthquake, fire, spill or leak that cannot be safely or completely controlled and cleaned, the following procedure will be implemented:

- 1) Evacuate the immediate spill area. Go upwind and stay upwind of the spill.
- 2) Notify the emergency response personnel immediately (see section on personnel notification).
- 3) Prevent anyone except emergency personnel from entering the area by using caution tape, rope, signage, or other available warning devices.
- 4) Notify the Marin County Environmental Health Services (see personnel section for phone numbers).

- 5) The County Office of Emergency Services must be notified immediately if there is a "reasonable belief" that the release or threatened release poses a significant present or potential hazard to human health and safety, property, or the environment. EPA must be notified immediately if there is release in a quantity equal to or exceeding the reportable quantity as listed in 40 CFR 302.4, 55 gallons of hazardous waste or 1 quart of extremely hazardous waste.
- 6) Start a perimeter setup (see section on perimeters for large spills or releases) to contain the spill, keeping employee safety primary.
- 7) Notify U.S. Coast Guard if a gasoline spill could pose a safety risk or threat to aquatic environment.
- 8) In the event of an oil spill notify: National Response Center (1-800-424-8802) and The California Office of Emergency Services (1-800-852-7550) and the California Department of Fish and Game, Oil Spill Prevention and Response, Sacramento office at (916) 445-9338.

PERIMETERS FOR LARGE SPILLS

Always stage a response upwind from a contaminated area.

- 1) Decontamination area – off the dock on a nearby concrete slab where run-off can be contained with absorbent pads, sand, or kitty litter necessary to limit the spread of the spill by absorbents or sand dike.
- 2) Emergency response efforts function best with one person in charge and one assistant. In a spill situation, ruling with committees is ineffective in making instant decisions.
- 3) Entrance is controlled to the spill area by directing excess employees to a safe evacuation area.

Hot Spot

- 1) Area immediately surrounding the spill.
- 2) Area is generally unsafe to enter because of fire, excessive vapors, etc.

SPILL CONTAINMENT

The following procedures should be used to contain a spill:

- 1) Assess the scene.
- 2) Try and ascertain the material that was released from a distance.
- 3) **USE PROTECTIVE EQUIPMENT.**
- 4) Stop the source of the leak by closing the valve or rotating the container or shifting its position so the leaking stops.
- 5) Cover the drains or other possible escape routes, dike if needed.
- 6) Channel the spill if necessary to a place where it won't spread.
- 7) Use absorbent pads or neutralizers to soak up the spill.
- 8) Repair the container or place it into a larger one that won't leak.

- 9) Clean up the spill.
- 10) Decontaminate any protective equipment you have used.

The following are commonly used diking and absorbing materials:

- 1) Sand or cinders
 - can dike only
 - washes out easily
 - very heavy
- 2) Clay Pellets or chips (kitty litter or Safe-T-Sorb)
 - absorbs better than sand
 - somewhat lighter than sand
- 3) Diatomaceous earth (floor dry granules best)
 - absorbs better than clay material
 - is lighter than clay
 - is heavy enough to dike with if needed
- 4) Silica type absorbent (vermiculite)
 - very light
 - will not stay in place with wind
 - not a good diking material
- 5) Organic material (sawdust or rice hull ash)
 - most absorbent of materials
 - often reacts with hazardous materials
 - light and blows away
- 6) Synthetic woven pads, pillows or booms
 - can be hydrocarbon discriminatory or non-discriminatory
 - have the greatest weight to amount picked up ratio
 - cost the most

DBOC stores the following materials to be used as absorbent. These materials are stored in the storage container.

- 1) Cat Litter
- 2) Northstar Sorbent Absorbent Pads (West Marine Products)

DISPOSAL

Once the spill is contained and the leak stopped, clean up and decontaminate using the following methods:

- 1) Collect all material and soiled absorbent pads and place it in a container large enough to hold it.
- 2) Place more absorbent down on the area and thoroughly absorb all moisture.
- 3) Once all materials are in the container, seal the unit and immediately label with hazard waste label.
- 4) Place it in an appropriate storage container.
- 5) Decontaminate reusable equipment using a washing solution.
- 6) Place disposable gear in an appropriate container, seal and place a hazardous waste label on the container, then place it with the recovered material for disposal.
- 7) Wash exposed skin thoroughly with soap and water.

PERSONNEL

<u>Name</u>	<u>Address</u>	<u>Work/Cell #</u>	<u>Home #</u>
1) Kevin Lunny	17171 Sir Francis Drake Blvd. Inverness, CA 94937	415/669-1149 415/246-4556	415/669-1209
2) Julie Garagliano	17171 Sir Francis Drake Blvd. Inverness, CA 94937	415/669-1149	415/669-1610

The following organizations will be given a copy of this plan and should be called if assistance is needed:

- Point Reyes National Seashore 415/663-8522
- Marin County Fire Department /Emergency Response Team 911
- Marin County Sheriff's Department 415/479-2311
- The CA Department of Fish and Game (Spill Prevention) 800/334-2258
- U.S. Coast Guard (National Response Center) 800/424-8802
- OES (Office of Emergency Services, Sacramento) 800/852-7550
- Marin County Environmental Health Services 415/499-6907

TRAINING

Training will be provided by the president or managers of DBOC on a routine basis and will include yearly updates on all applicable hazardous materials and safety plans.

EMERGENCY RESPONSE EQUIPMENT AND SUPPLIES

The following will be stored in the storage container:

- 1) 75 each Northstar Sorbent Absorbent pads (17" x 17")
- 2) 2 each Kitty Litter (25 lbs)
- 3) Small spill kits, each containing:
 - 1 each 5 gallon bucket
 - 1 each face shield

- 1 pair rubber gloves
- 1 pair goggles
- 1 kitty litter with plastic bag
- 2 each sealable plastic bags

First aid kits are available in all vehicles and in the DBOC employee bathroom.

Fire extinguishing equipment is located in the DBOC store and in each vessel as indicated by signage or in marked cabinets.

WASTE STORAGE

For an emergency operation, any hazardous waste material stored temporarily inside the storage container will be securely stored, properly labeled and inspected daily until a licensed hauler can be scheduled to remove it.

EVACUATION PLAN

If an evacuation of the oyster farm is deemed necessary because of a hazardous release, please proceed to an upwind location until notified to return to the site.

DRAKES BAY OYSTER COMPANY
17171 Sir Francis Drake Blvd., Inverness, CA 94937

EXHIBIT 2

RACK DATA SPREAD SHEETS

4 Pages

California Coastal Commission
Consent Cease & Desist Order No. CCC-07-CD-11

AREA	RACK	# BENTS	NORTH	WEST	NORTH	WEST	CONDITION
34	A	44	38.07621	122.93819	38.07485	122.93826	1
4	A	21	38.07305	122.93553	38.07218	122.93558	1
4	B	23	38.07304	122.93542	38.07213	122.93546	1
4	C	23	38.07303	122.93533	38.07213	122.93533	2
4	D	15	38.07201	122.93558	38.07145	122.93556	1
4	E	26	38.07201	122.93546	38.07111	122.93548	2
4	F	26	38.07206	122.93537	38.07111	122.93536	1
4	G	39	38.07094	122.93557	38.06963	122.93553	1
4	H	40	38.07099	122.93546	38.06961	122.93542	2
4	I	10	38.07206	122.93529	38.06982	122.93581	2
38	A	18	38.06143	122.92702	38.06195	122.92648	1
38	B	13	38.06136	122.92689	38.0618	122.92649	1
38	C	24	38.06238	122.92434	38.06161	122.92477	1
38	D	44	38.06238	122.9242	38.06113	122.92492	1
38	E	18	38.06069	122.92517	38.06021	122.92581	2
38	F	29	38.06021	122.92546	38.05952	122.92649	2
38	G	10	38.06084	122.92501	38.05955	122.92657	2
41	A	12	38.06021	122.92778	38.06038	122.92832	1
41	B	11	38.06036	122.92774	38.06044	122.92828	1
41	C	21	38.06041	122.9284	38.06061	122.92932	1
41	D	14	38.06048	122.92828	38.06063	122.92895	2
41	E	26	38.06056	122.92824	38.06081	122.92946	2
41	F	14	38.0597	122.92849	38.05943	122.9289	2

6 A	25	38.06166	122.93139	38.0622	122.93221	1
6 B	32	38.06235	122.93284	38.06305	122.93387	1
6 C	10	38.06359	122.93403	38.06302	122.93344	2
6 D	17	38.06308	122.93419	38.06352	122.93482	1
6 E	30	38.06266	122.93507	38.06334	122.93604	1
6 F	15	38.06381	122.93457	38.06426	122.93497	1
6 G	33	38.06263	122.93518	38.06321	122.93615	1
6 H	10	38.06298	122.93492	38.06302	122.93568	2
6 I	16	38.06419	122.93618	38.06459	122.93674	2
6 J	26	38.06417	122.93592	38.06464	122.9366	2
6 K	18	38.06445	122.93586	38.06487	122.93635	2
9 A	10	38.06356	122.94019	38.06319	122.94019	2
9 B	24	38.06392	122.94006	38.06328	122.94006	2
9 C	15	38.06297	122.94016	38.06245	122.94018	1
9 D	15	38.06296	122.94005	38.06244	122.94012	1
9 E	21	38.06295	122.93996	38.06223	122.93995	2
9 F	12	38.06271	122.93956	38.06229	122.93967	2
9 G	11	38.06271	122.93949	38.06229	122.93952	2
9 H	17	38.06231	122.94025	38.06174	122.94026	1
9 I	18	38.06229	122.94013	38.06171	122.94013	1

8 A	21	38.06702	122.9391	38.06625	122.93933	1
8 B	20	38.06969	122.93904	38.06625	122.9392	1
8 C	19	38.06697	122.9389	38.06625	122.93905	1
8 D	29	38.06697	122.93842	38.06594	122.9386	1
8 E	29	38.06693	122.93829	38.06593	122.93848	1
8 F	22	38.06675	122.93821	38.0659	122.93838	1
8 G	29	38.06672	122.93787	38.06569	122.93786	2
8 H	29	38.06669	122.93774	38.06572	122.93775	2
8 I	30	38.06665	12.93758	38.06569	122.93763	2
8 J	14	38.06618	122.93906	38.06574	122.93927	2
8 K	21	38.06575	122.9396	38.065	122.93977	2
8 L	12	38.06574	122.93951	38.06529	122.9396	1
8 M	61	38.06576	122.93863	38.0638	122.93909	2
8 N	61	38.0657	122.93858	38.0637	122.93906	2
8 O	43	38.06482	122.9386	38.06369	122.93896	2
8 P	44	38.06481	122.93852	38.06368	122.93885	2
8 Q	42	38.06477	122.9384	38.06371	122.93871	2
8 R	29	38.06522	122.93753	38.06438	122.93754	1
8 S	27	38.06517	122.93742	38.06435	122.93741	1
8 T	32	38.06528	122.93727	38.06435	122.93729	1
8 U	15	38.06499	122.93951	38.06382	122.93382	1
8 V	14	38.0637	122.93868	38.06396	122.9396	1
21 A	18	38.0569	122.94791	38.05711	122.94853	2
21 B	19	38.05681	122.94791	38.05704	122.94859	1
21 C	18	38.05681	122.94656	38.05695	122.9474	1
21 D	19	38.0567	122.94659	38.05682	122.94747	2

22 A	41	38.05947	122.94532	38.05984	122.94695	2
22 B	28	38.05958	122.94599	38.05975	122.94707	1
22 C	10	38.05962	122.9466	38.0596	122.94708	2
22 D	30	38.05935	122.94573	38.0596	12.9471	2
22 E	37	38.05901	122.94576	38.05931	122.94721	2
22 F	29	38.05897	122.94603	38.05923	122.94725	1
22 G	31	38.05882	122.94604	38.05915	122.94724	1
22 H	10	38.05824	122.9456	38.05866	122.94793	2
12 A	20	38.05903	122.94091	38.05836	122.93998	2
12 B	15	38.05872	122.94067	38.05821	122.94002	2
13 A	15	38.05835	122.94135	38.05792	122.94088	2
13 B	17	38.0583	122.94144	38.05783	122.94091	2
13 C	17	38.0582	122.94152	38.05779	122.94096	1
11 A	17	38.05988	122.94297	38.05976	122.94228	1
11 B	14	38.05977	122.94296	38.05963	122.94228	2
11 C	16	38.05955	122.94293	38.05931	122.94226	1
11 D	16	38.05939	122.943	38.05927	122.94226	1
11 E	13	38.05914	122.94291	38.05898	122.94231	2
11 F	17	38.05902	122.94295	38.05885	122.94228	1
11 G	16	38.05902	122.94328	38.05848	122.94281	2
11 H	24	38.05924	122.94355	38.05841	122.94292	2
11 I	24	38.05927	122.94371	38.05841	122.94299	2
11 J	24	38.05918	122.9438	38.05837	122.9431	2
11 K	23	38.05868	122.94399	38.05824	122.94322	2
11 L	12	38.0579	122.94292	38.05739	122.9426	2
11 M	10	38.05785	122.943	38.05743	122.94254	2

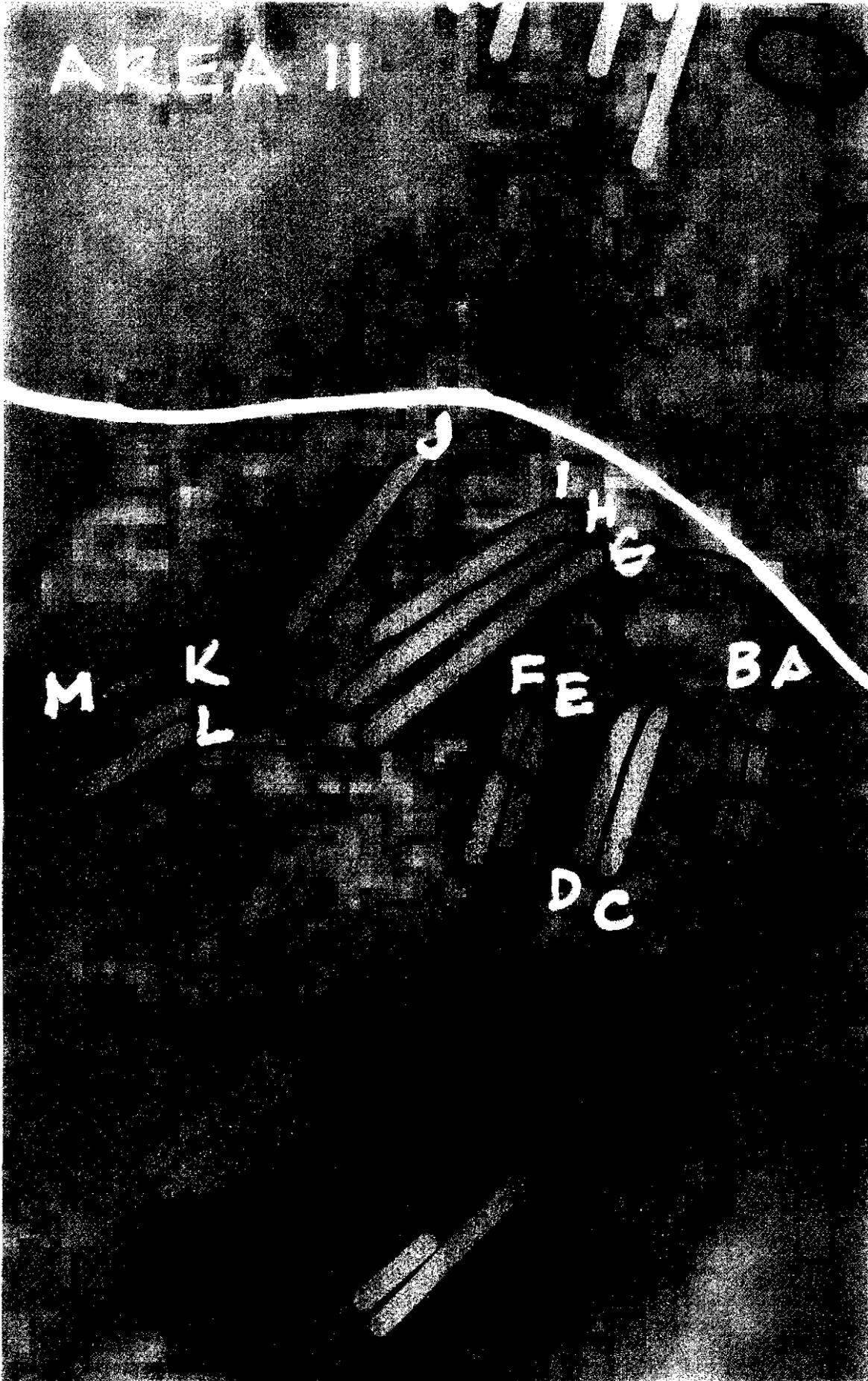
DRAKES BAY OYSTER COMPANY
17171 Sir Francis Drake Blvd., Inverness, CA 94937

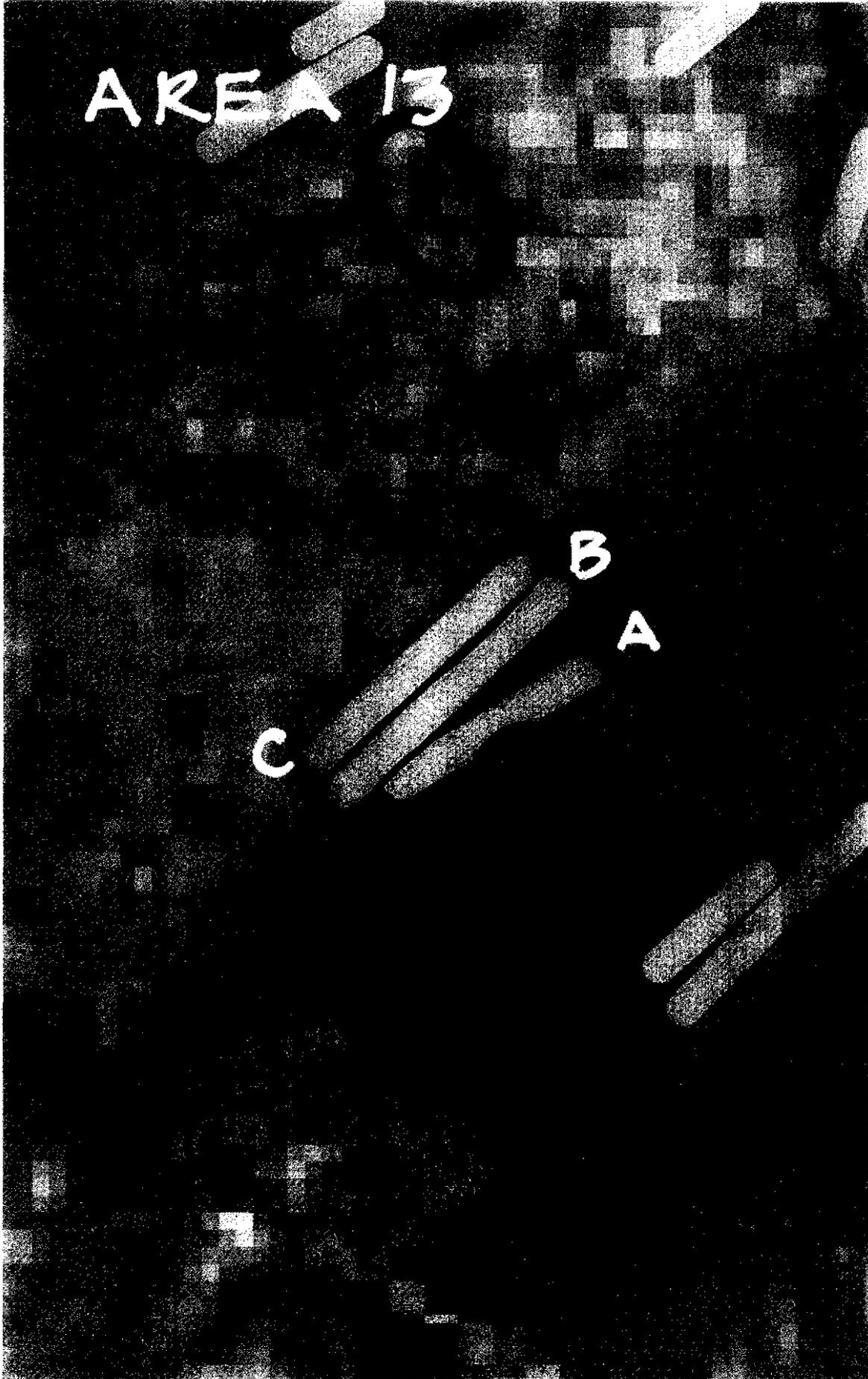
EXHIBIT 3

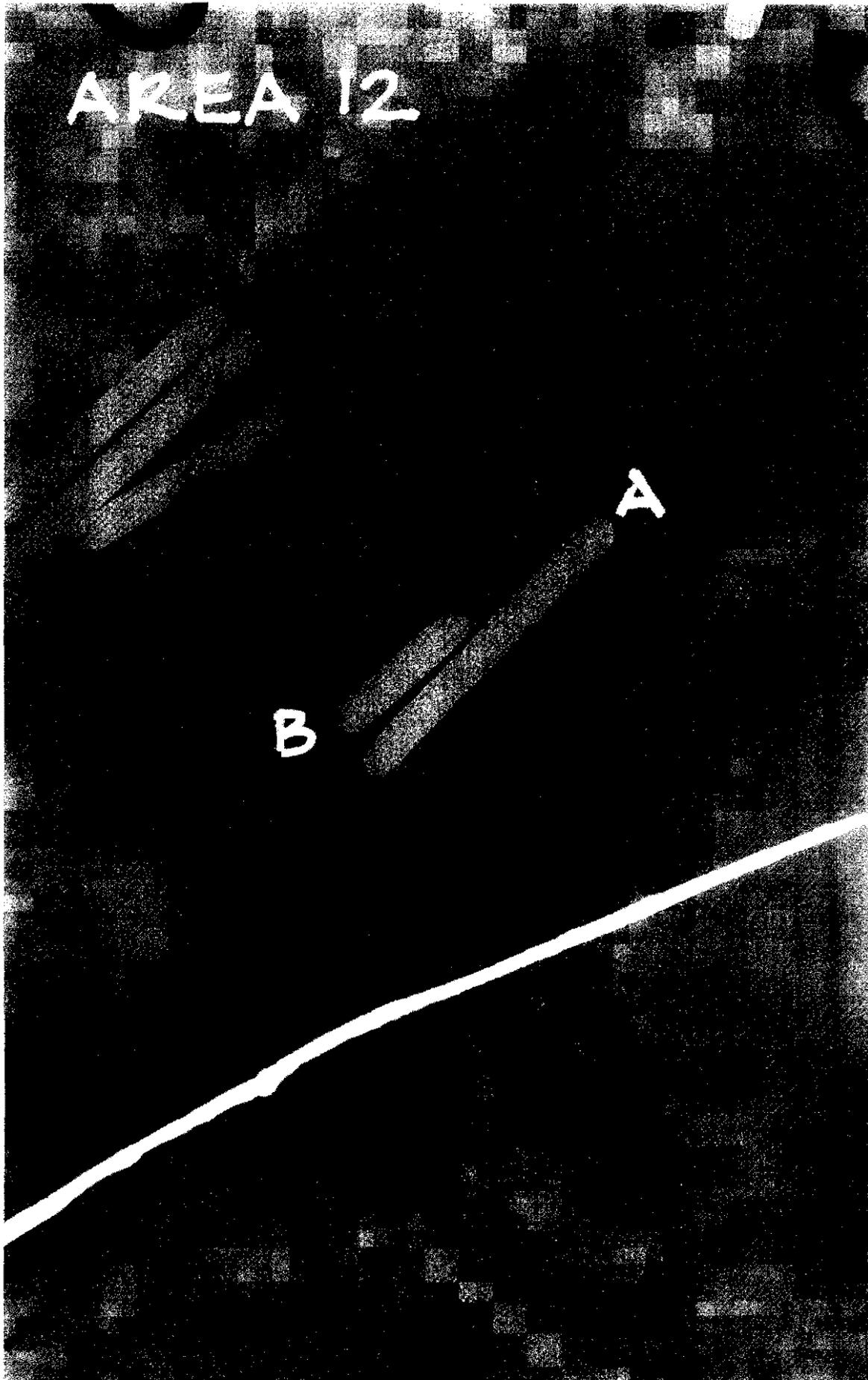
**INDIVIDUAL AREA MAPS
SHOWING RACK IDENTIFICATION
AND SECONDARY VESSEL TRANSIT**

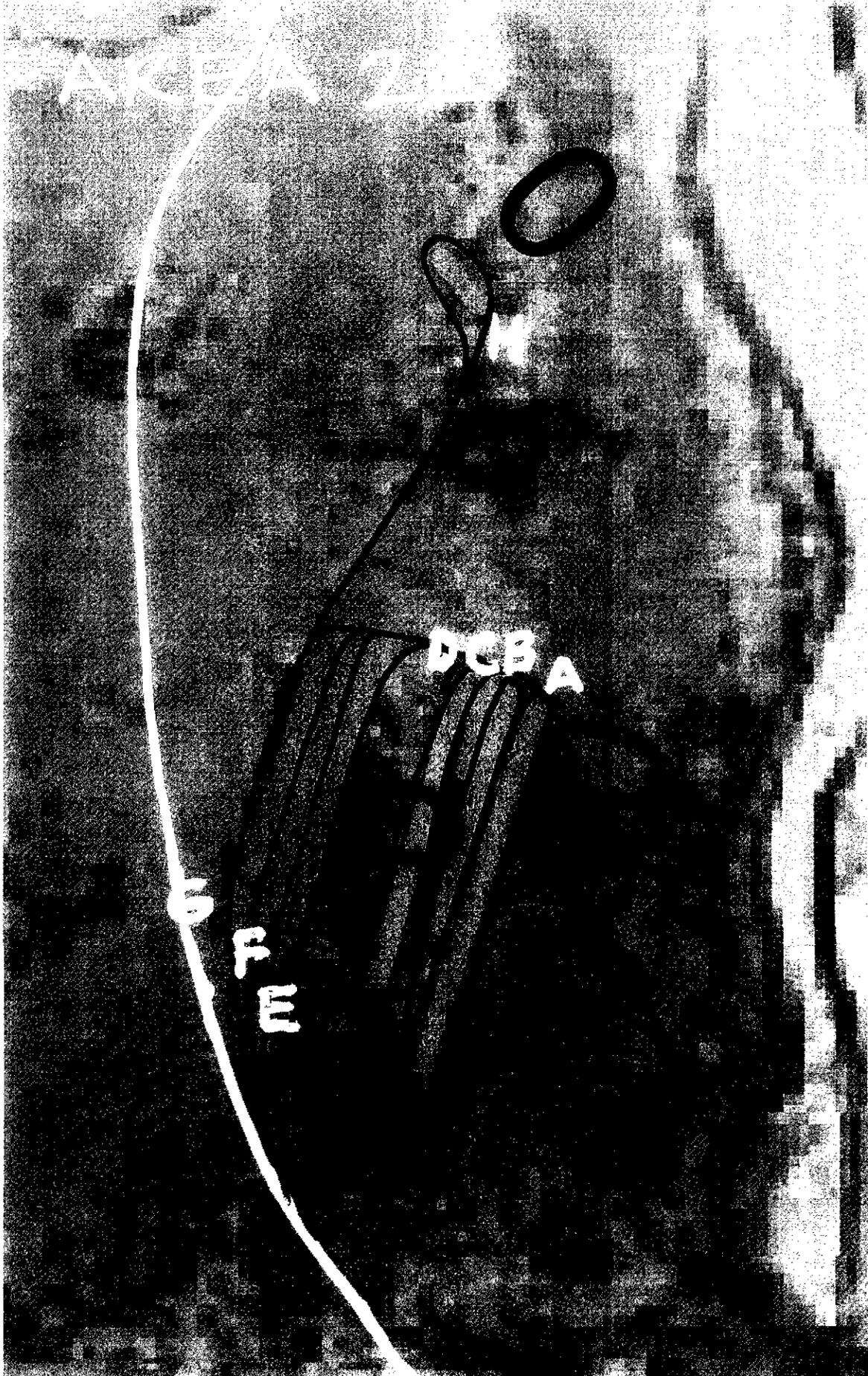
12 Pages

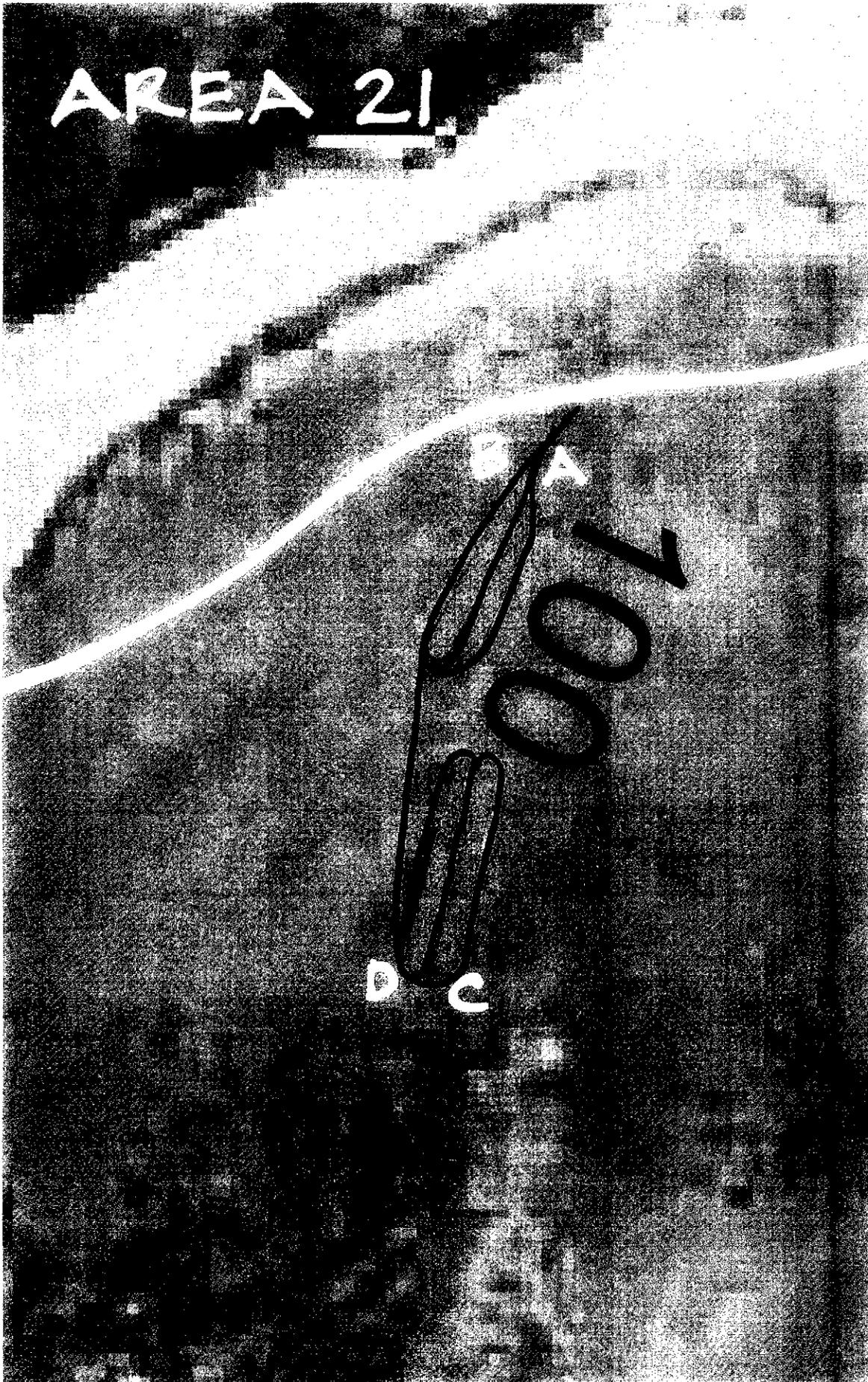
California Coastal Commission
Consent Cease & Desist Order No. CCC-07-CD-11

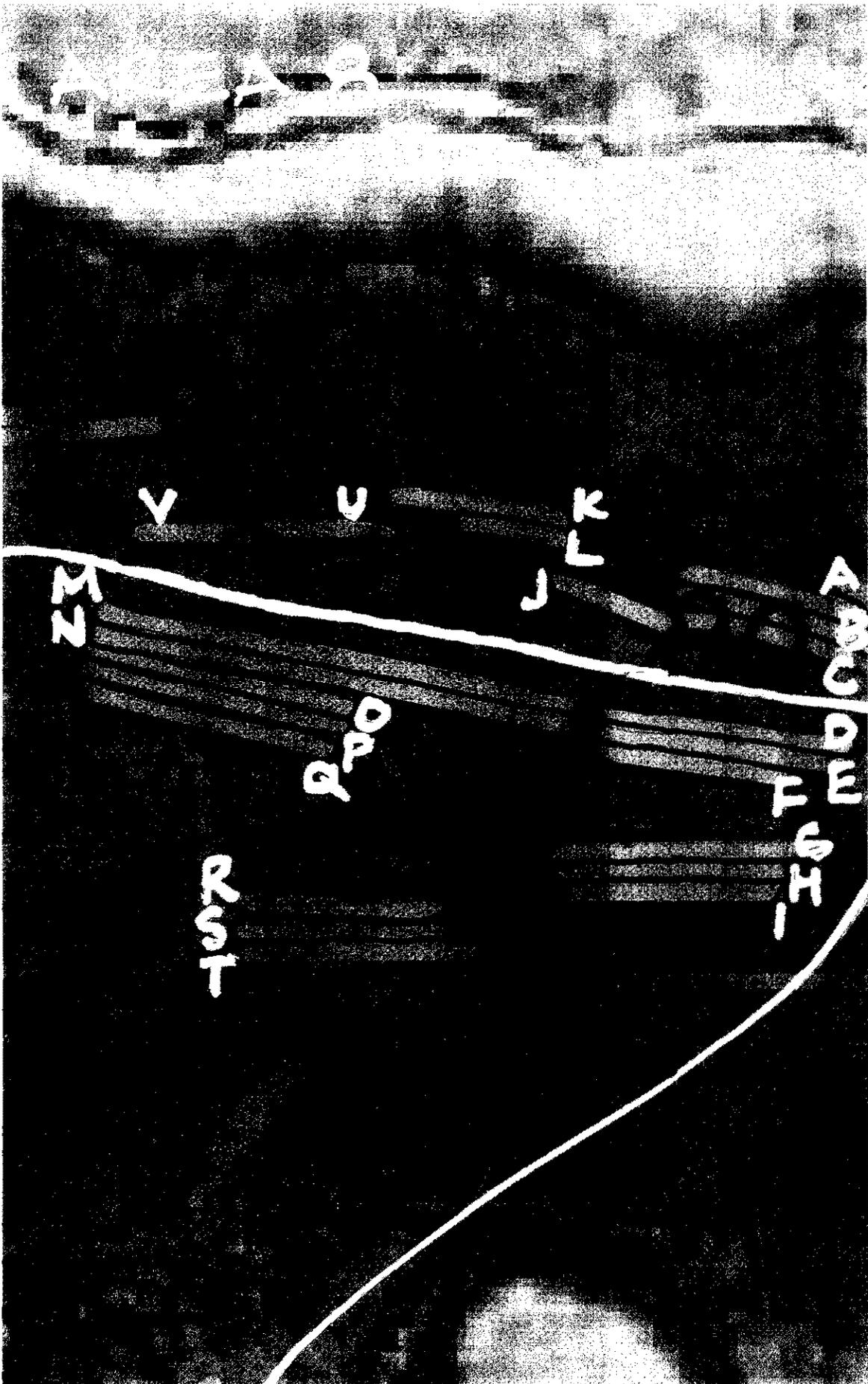


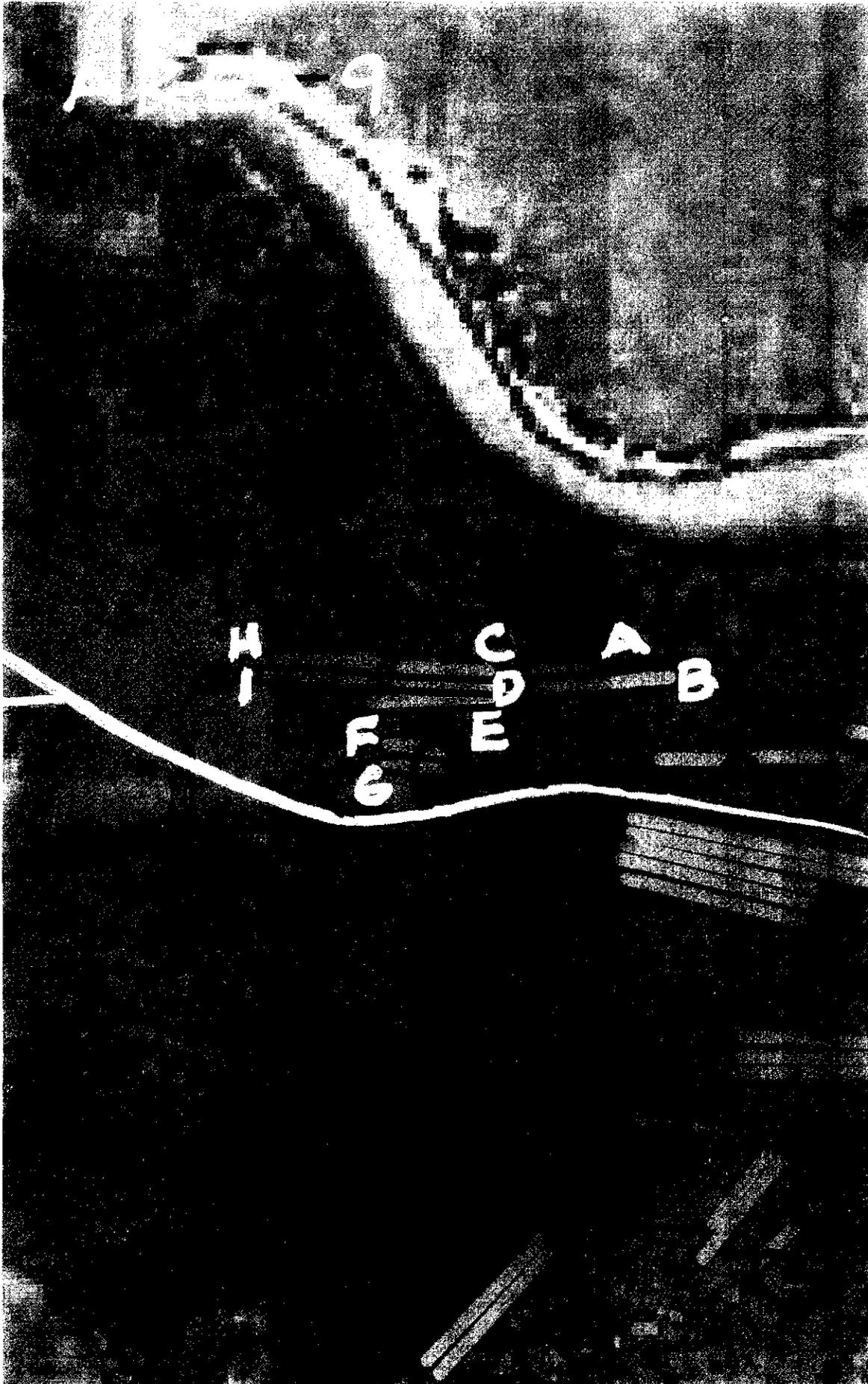


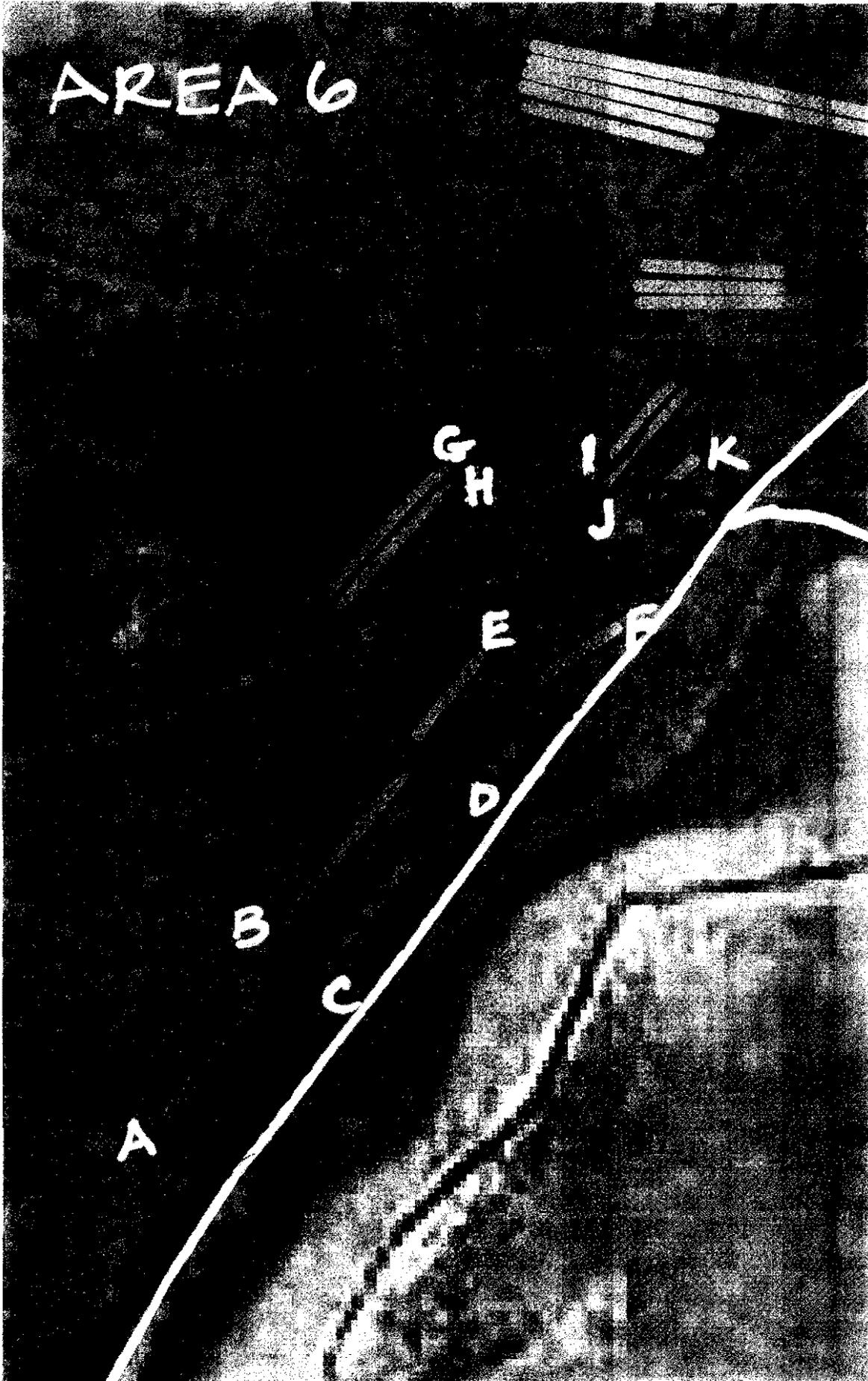


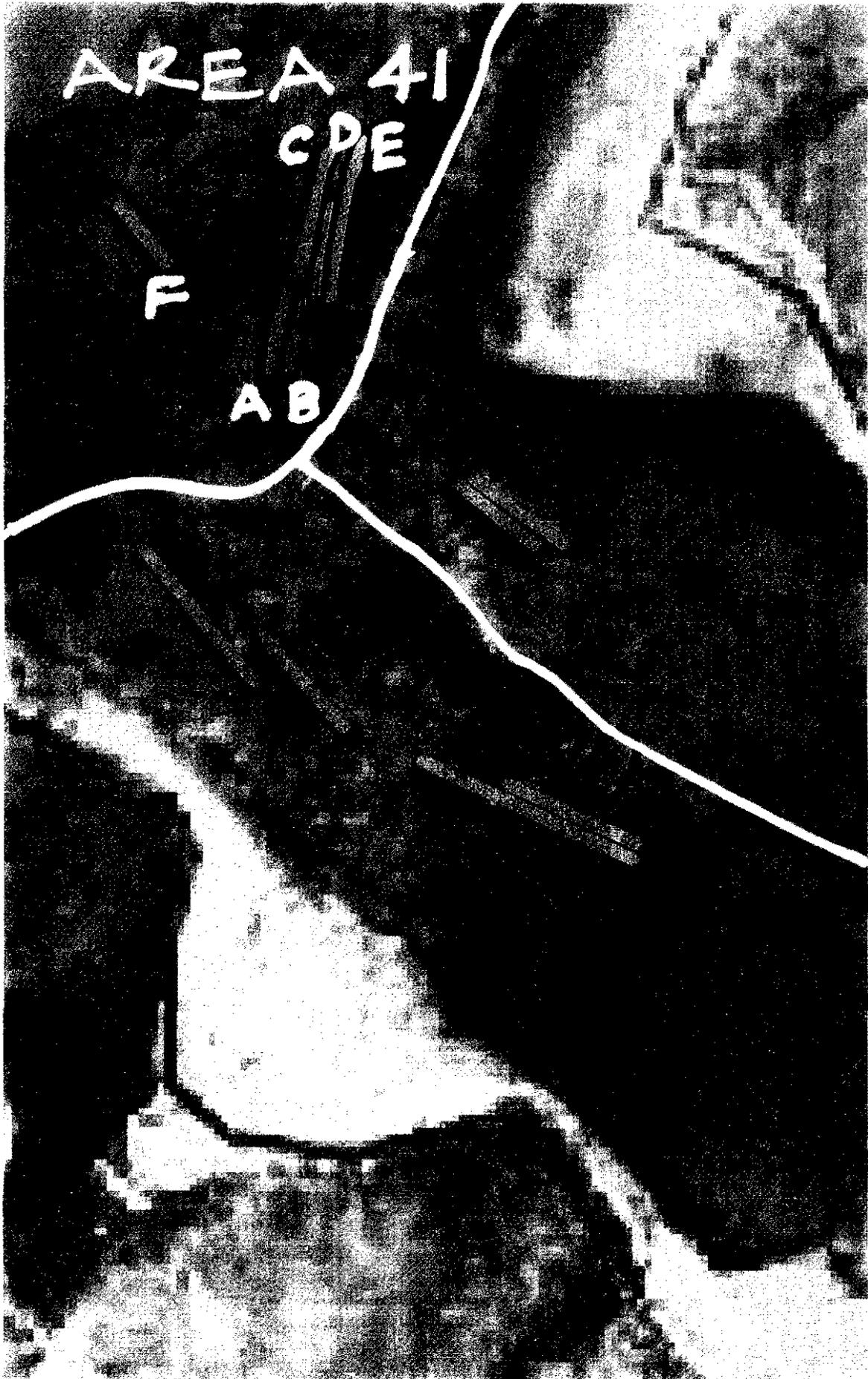


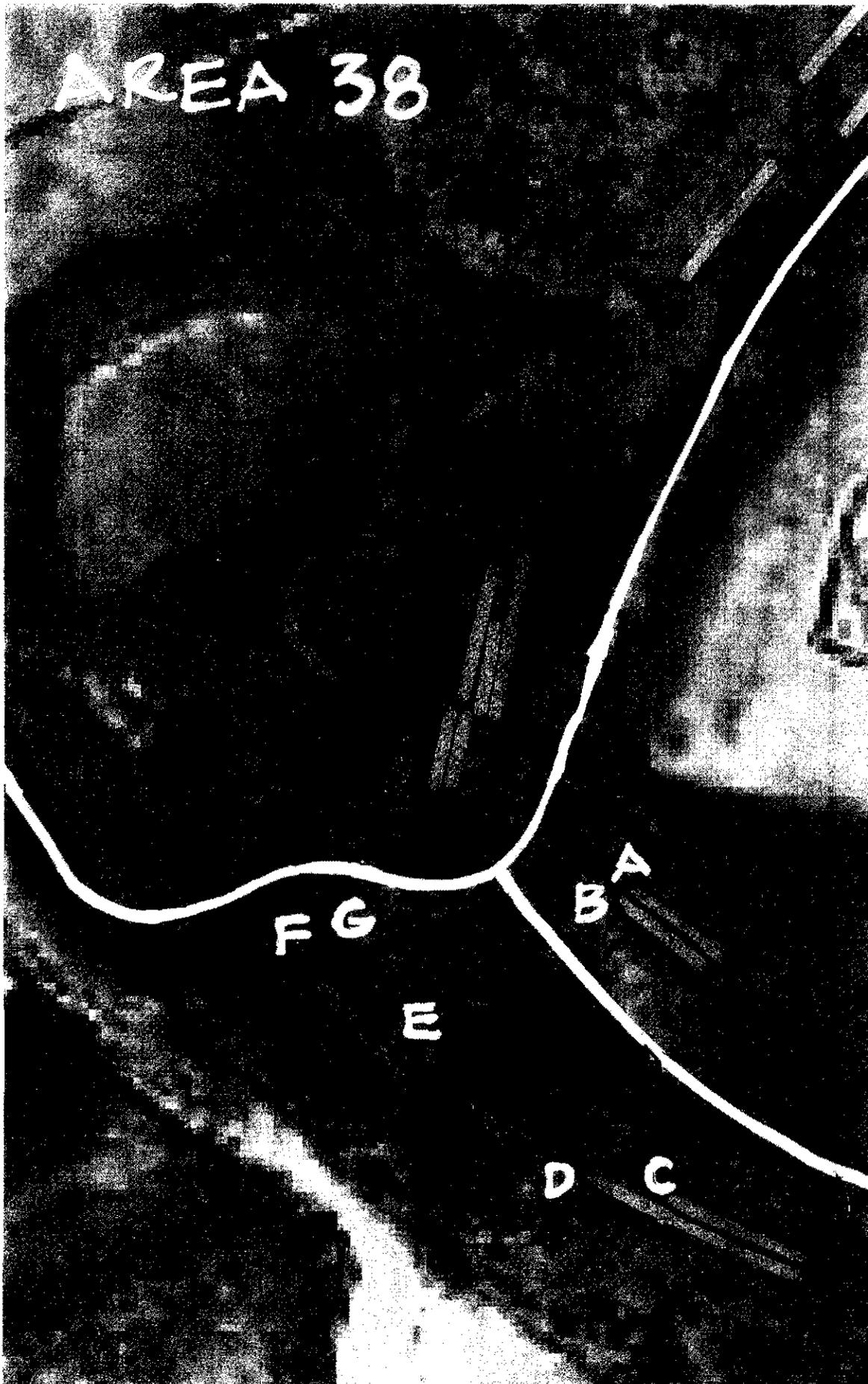


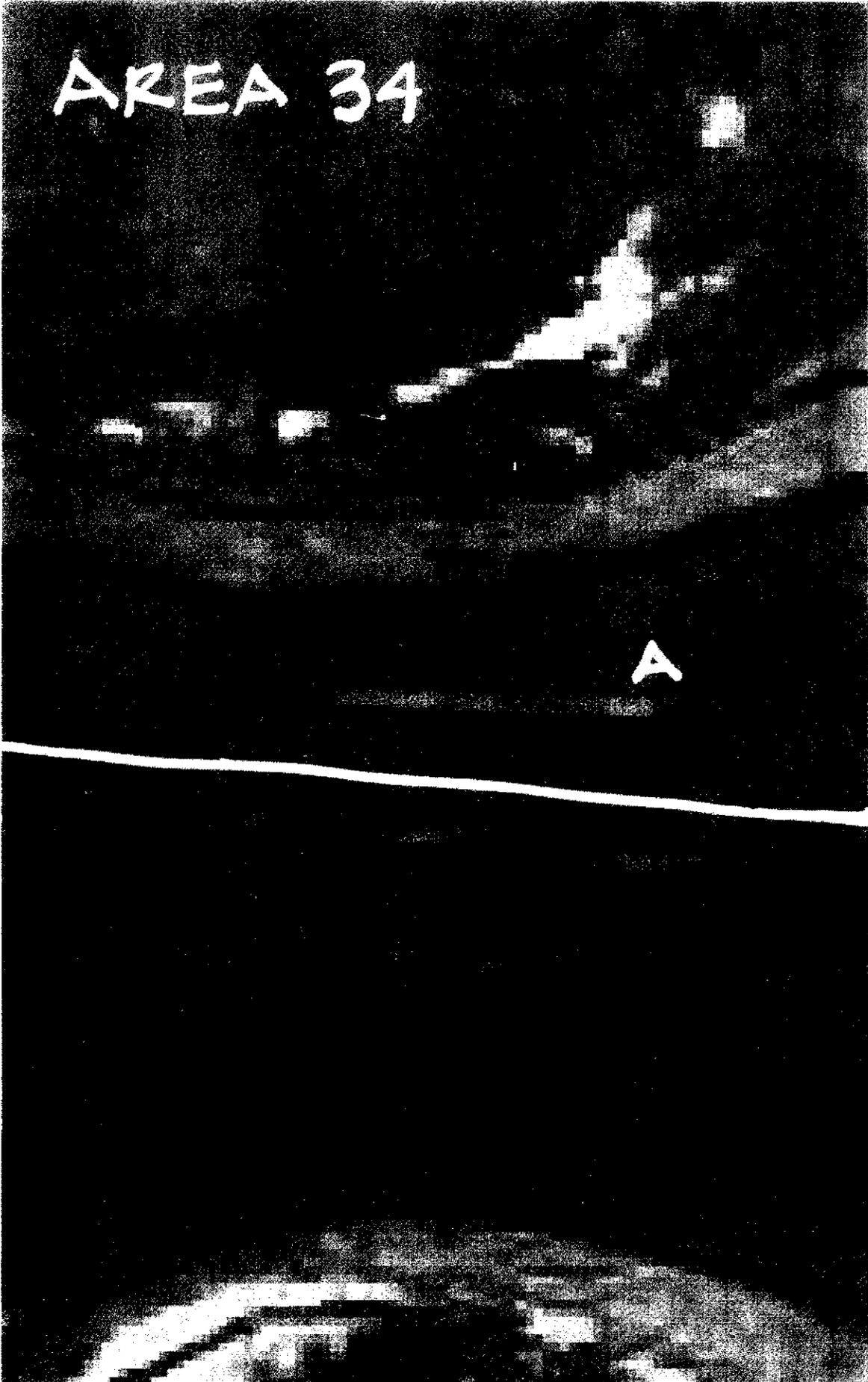


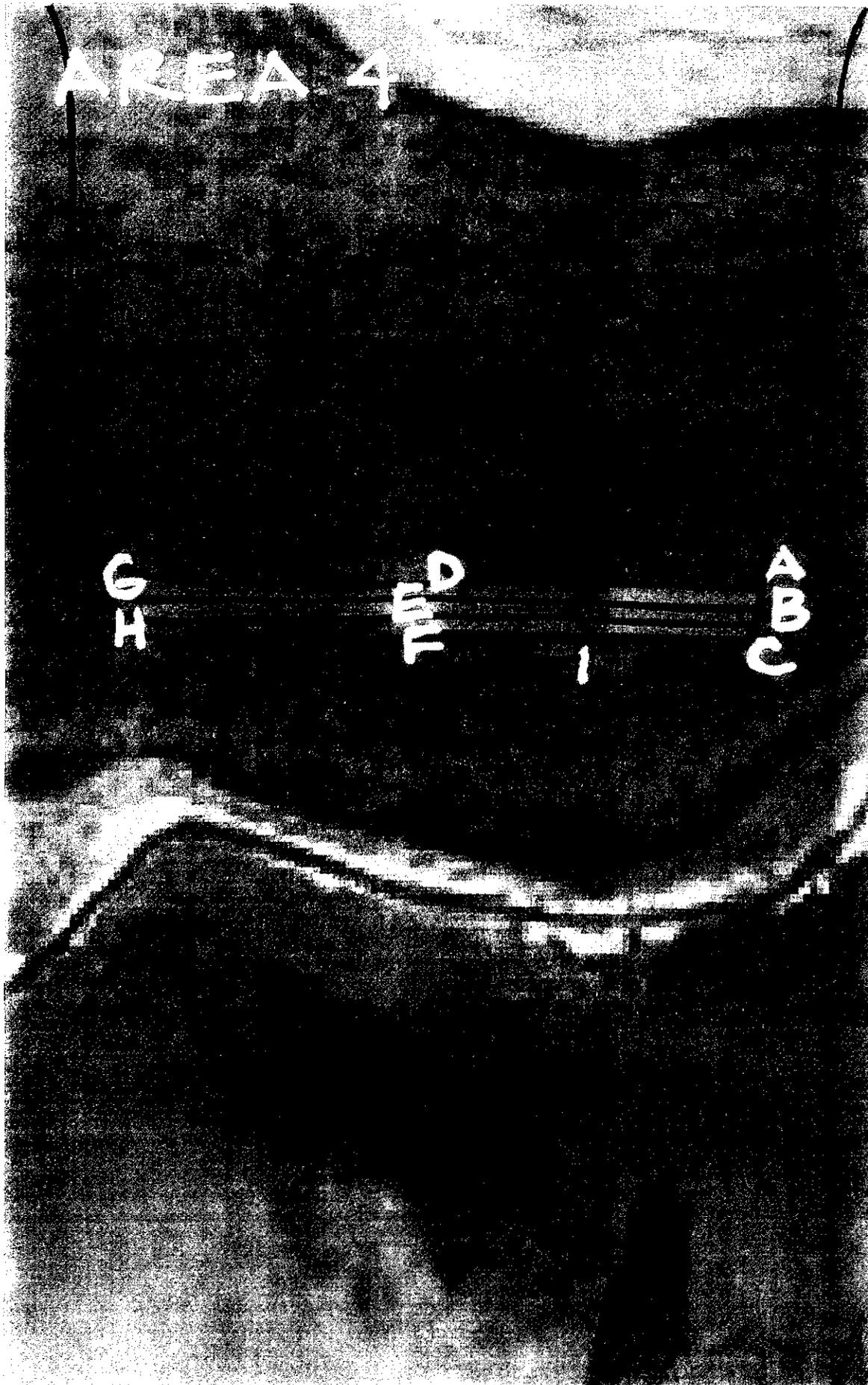












AREA 4

G
H

D
E
F

I

A
B
C

DRAKES BAY OYSTER COMPANY
17171 Sir Francis Drake Blvd., Inverness, CA 94937

EXHIBIT 4

KONA COAST SHELLFISH CERTIFICATE

1 Page

California Coastal Commission
Consent Cease & Desist Order No. CCC-07-CD-11



State of California
The Resources Agency
DEPARTMENT OF FISH AND GAME
Marine Region
P.O. Box 1560
Bodega Bay, CA 94923
(707) 875-4261
(707) 875-4269 FAX

FOR DEPARTMENT USE ONLY	
Permit #:	<u>WR-2-08-044</u>
Permit Term (no more than 12 months)	From: <u>27 Oct 08</u> To: <u>26 Oct 09</u>
Fees Received:	<u>\$ 50.00</u>
Check #:	<u>4638</u>

LONG-TERM PERMIT TO IMPORT LIVE AQUATIC ANIMALS INTO CALIFORNIA
(Authority and Reference: Section 236, Title 14, California Code of Regulations)

Name of Importer: Drakes Bay Oyster Company Phone: (415) 669-1149

Mailing Address: 17171 Sir Francis Drake Blvd.

City: Inverness State: CA Zip Code: 94937-0000

Species to be Imported:

Pacific oyster

Supplier: Coast Seafoods Phone: (360) 875-5557

Address: 73-4460 Queen Kaahumananu Highway, #106

City: Kailua-Kona State: Hawaii Zip Code: 96740-0000

Source Location(s):

Kona, Hawaii

Destination and Use:

Drakes Estero, California

Applicant's Signature: [Signature]

Approved By: [Signature] Issued By: [Signature]

Date Issued: 27 Oct 2008

RECEIVED

OCT 27 2008

DEPT OF FISH & GAME
BODEGA BAY OFFICE

DRAKES BAY OYSTER COMPANY
17171 Sir Francis Drake Blvd., Inverness, CA 94937

EXHIBIT 5

**WHISKEY CREEK SHELLFISH HATCHERY & COAST
SEAFOODS SHELLFISH CERTIFICATES**
2 Pages

California Coastal Commission
Consent Cease & Desist Order No. CCC-07-CD-11



State of California
The Resources Agency
DEPARTMENT OF FISH AND GAME
Marine Region
P.O. Box 1560
Bodega Bay, CA 94923
(707) 875-4261
(707) 875-4269 FAX

FOR DEPARTMENT USE ONLY
Permit #: MR-L-08-038
Permit Term (no more than 12 months)
From: 2 Sept 08 To: 1 Sept 09
Fees Received: \$ 50.00
Check #: 4432

LONG-TERM PERMIT TO IMPORT LIVE AQUATIC ANIMALS INTO CALIFORNIA
(Authority and Reference: Section 236, Title 14, California Code of Regulations)

Name of Importer: Drakes Bay Oyster Company Phone: (415) 669-1149

Mailing Address: 17171 Sir Francis Drake Blvd.

City: Inverness State: CA Zip Code: 97937-0000

Species to be Imported:

Pacific Oyster Larvae and Seed

Supplier: Coast Seafoods Phone: (425) 702-8800

Address: 14711 NE 29th Place, Ste 111

City: Bellevue State: WA Zip Code: 98007-0000

Source Location(s):

Quilcine Hatchery, WA
~~Kona Coast Hatchery, HI~~ *DELETED AS PER HEE REQUEST*

Destination and Use:

Drakes Estero

Applicant's Signature: [Signature]

Approved By: [Signature]

Issued By: [Signature]

Date Issued: 2 Sept. 2008

RECEIVED

SEP 02 2008

DEPT OF FISH & GAME
BODEGA BAY OFFICE



State of California
 The Resources Agency
 DEPARTMENT OF FISH AND GAME
 Marine Region
 P.O. Box 1560
 Bodega Bay, CA 94923
 (707) 875-4261
 (707) 875-4269 FAX

FOR DEPARTMENT USE ONLY

Permit #: MR-L-08-039
 Permit Term (no more than 12 months)
 From: 2 Sept 08 to: 1 Sept 09
 Fees Received: \$ 50.00
 Check #: 4432

LONG-TERM PERMIT TO IMPORT LIVE AQUATIC ANIMALS INTO CALIFORNIA

(Authority and Reference: Section 236, Title 14, California Code of Regulations)

Name of Importer: Drakes Bay Oyster Company Phone: (415) 669-1149

Mailing Address: 17171 Sir Francis Drake Blvd.

City: Inverness State: CA Zip Code: 97937-0000

Species to be Imported:

Pacific Oyster Larvae

Supplier: Whiskey Creek Shellfish Hatchery Phone: (503) 815-8323

Address: 2975 Netarts Bay Road West

City: Tillamook State: OR Zip Code: 97141-0000

Source Location(s):

Destination and User:

Drakes Estero

Applicant's Signature: [Signature]

Approved By: [Signature]

Issued By: [Signature]

Date Issued: 2 Sept, 2008

RECEIVED

DRAKES BAY OYSTER COMPANY
17171 Sir Francis Drake Blvd., Inverness, CA 94937

EXHIBIT 6

VESSEL TRANSIT PLAN

1 Page

California Coastal Commission
Consent Cease & Desist Order No. CCC-07-CD-11