

## *Drakes Bay Oyster Company*

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December 29, 2009

Don Neubacher  
Superintendent  
Point Reyes National Seashore  
One Bear Valley Road  
Point Reyes Station, CA 94956

Dear Mr. Neubacher,

We are in receipt of your letter dated 12/23/09. The characterization that cultivating clams on lease M-438-01 is a change that requires review is without merit. You have personal knowledge that the California Fish and Game Commission (FGC) approved the cultivation of clams on lease M-438-01 in 1993. The FGC recently reaffirmed this when it corrected a typographical error incorrectly indicating the clams were to be cultivated on lease M-438-02, which has never been the case. Your letter incorrectly states that the FGC granted permission to cultivate clams at its 12/10/09 hearing. The agenda and staff report are unambiguous that this approval was granted 16 years ago. As the cultivation of clams on lease M-438-01 has been authorized since 1993, no further approvals from NPS to cultivate clams are necessary. Please direct any questions you may have about this to the FGC. To avoid further unnecessary confusion, the SUP should be conformed to reflect the corrected lease.

Sincerely,

Kevin Lunny

Nancy Lunny

cc: California Department of Fish and Game  
Fish and Game Commission  
California Coastal Commission