

Drakes Bay Oyster Company

17171 Sir Francis Drake Boulevard
Inverness, CA 94937
(415) 669-1149

May 10, 2010

Mr. John Carlson Jr.
Executive Director
California Department of Fish and Game
1416 Ninth Street, Room 1207-5
Sacramento, CA 94244

Re: Lease No. M-438-01 – Boundary Revision

Dear Mr. Carlson,

Five oyster racks, reportedly built in the 1950s, are outside the boundary line of Lease No. M-438-01. These five racks have been used for oyster culture since they were constructed and are currently still in use. The five racks are important to DBOC and Reese Water and Land Surveying Services proposes a solution that would allow their continued use.

While the rack area (portions of Bed 6) will need to be added to the current lease, an equal area will be removed from the lease so that the total acreage will remain the same. Portions of Drakes Estero are currently used by harbor seals. The lease includes areas near the main channel seal haul outs - where harbor seals haul out to rest, give birth and nurse their young. The edge of the main channel is used by the harbor seals because of the adjacent deep water. The surveyor's proposal includes removing portions of the lease near the main channel to allow for a harbor seal buffer zone of 500 to 1000 feet, significantly larger than the 300' required by the Marine Mammal Act.

Drakes Bay Oyster Company (DBOC) requests that the revised lease boundary lines be approved so that the historic oyster racks can remain in use as they have for roughly 50 years and the lease line can be moved away from the seal haul out area along the main channel.

Sincerely,

Kevin Lunny
Drakes Bay Oyster Company

Enclosures:
Survey Report
Survey Map