

L1425

02-106

March 15, 2004

Mr. Tom Moore
California Department of Fish and Game
Marine Region Laboratory
P. O. Box 1560
Bodega Bay, CA 94923

Dear Tom:

We appreciated receiving a copy of the correspondence dated February 2, 2004, regarding Tom Johnson's interest in renewing his lease in Drakes Bay. As we discussed at our last meeting, we are enclosing copies of the legal opinions from our Solicitor's Office about the aquaculture activities of Tom Johnson for your perusal. We requested these opinions because of the complexity of the activities and ownership situation of the submerged lands in Drakes Estero.

As you know, Mr. Johnson is under a Marin County Superior Court Order that requires actions to improve the health and safety of his operation. In turn, he is now under a clean-up and abatement order from the California Coastal Commission. It seems prudent and in the best interest of the public to not entertain a renewal of his submerged lands until these problems are rectified with these two agencies.

After reading the legal opinions from our Solicitor's Office, we wish to have a meeting with you regarding how to proceed. At this time, we still believe Mr. Johnson will need a permit from the National Park Service to operate in Drakes Estero and additional environmental compliance may be necessary.

Again, we appreciate you working with us on this issue and we are prepared to work together to ensure the resources are protected in Drakes Estero. We look forward to hearing from you.

Sincerely,

Don L. Neubacher
Superintendent

Enclosures

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