

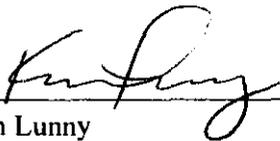
Statement of Principles
Regarding NEPA evaluation for
Special Use Permit for Drakes Bay Oyster Company

- The Parties are NPS and Drakes Bay Oyster Company (DBOC). For the purposes of this document, DBOC consists of the owners of DBOC and its representatives.
- Parties will have at least one in-person meeting prior to public scoping. Prior to the initial meeting, NPS will advise DBOC of any scientific, technical, or other information that the NPS believes should be considered during the NEPA process. NPS agrees to consider in good faith any additional information DBOC believes is appropriate for consideration. If NPS determines that any of the information submitted by DBOC is not necessary or relevant to the NEPA process, NPS will explain its rationale in the scoping report, the NEPA documents, or the administrative record for the NEPA process. DBOC will endeavor to provide all such information to the NPS at this initial meeting.
- If the NPS needs information regarding DBOC's operations, DBOC will provide timely responses to NPS requests for such information.
- NPS, in cooperation with DBOC, will prepare a schedule for completing NEPA review. Such schedule will include specific target dates for scoping, public hearings (if appropriate), the release of the EA for public comment, the public comment period, and the issuance of the FONSI or the initiation of an EIS. If NPS determines that an EIS is necessary, the same coordination efforts set forth herein will also apply in the preparation of the EIS.
- NPS will consider DBOC's interests in applying for and receiving a special use permit in developing the purpose and need for the NEPA document.
- DBOC shall prepare a description of their operations for NEPA evaluation, which NPS shall consider in good faith. NPS will consult in good faith with DBOC on the purpose and need of the project as needed, particularly during impact analysis, to assist in improving the preferred alternative to avoid, mitigate or otherwise address any adverse impacts.
- After the National Academy of Sciences produces its first report (specific to Drakes Estero) and NPS and DBOC meet and confer in good faith regarding same, the NPS will begin preparing the those portions of the NEPA document concerning off-shore activities, including sections concerning the affected environment, alternatives, environmental consequences, and mitigation measures, unless otherwise agreed to by the Parties. Notwithstanding the foregoing, NPS may begin preparing those portions of the NEPA document concerning offshore activities that analyze air quality, cultural resources and the socioeconomic environment.
- NPS agrees to consult with DBOC in good faith in the design of any further scientific or technical studies to assist in NEPA evaluation of the project.
- As part of public scoping, DBOC may provide comments regarding proposed alternatives, and the NPS will consider such comments.
- DBOC may provide formal comments during the public comment period for the NEPA document.

- DBOC will not be required to cover the cost of preparing the NEPA document. If there is litigation regarding NEPA compliance, it will not trigger the indemnification requirements set forth in the Special Use Permit.
- The Parties will exert best efforts to effectuate the principles set forth herein.
- The Parties will enter into a Memorandum of Understanding or similar agreement consistent with the principles set forth herein as soon as practicable. The NEPA actions contemplated by the principles set forth herein shall be initiated after the Parties enter into the Memorandum of Understanding or similar agreement. Notwithstanding the foregoing, NPS may initiate the contemplated NEPA actions if the Parties are unable to enter into a Memorandum of Understanding or similar agreement within sixty (60) days of the date of this Statement of Principles; provided, however that any such actions shall be consistent with this Statement of Principles and the Parties will continue to make best efforts to enter into a Memorandum of Understanding or similar agreement.

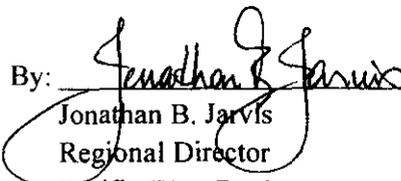
IT IS SO AGREED:

Drakes Bay Oyster Company

By: 
Kevin Lunny

Dated: 4/22/08

National Park Service

By: 
Jonathan B. Jarvis
Regional Director
Pacific West Region

Dated: 4/17/2008