



You Are Invited To Participate

The National Park Service (NPS) is beginning the preparation of an Environmental Impact Statement (EIS) in accordance with the National Environmental Policy Act (NEPA) to evaluate a potential issuance of a Special Use Permit for commercial oyster operations within Drakes Estero at Point Reyes National Seashore. Public scoping is the first step to involve the public in the NEPA process. Scoping includes holding meetings (see below) and providing opportunities for the public to comment so that their concerns are identified early and the analysis is focused on important issues. The NPS encourages comments on the draft purpose and need, and requests that the public identify topics and concerns that should be addressed in the EIS. Commenters are also encouraged to bring forward any new information that the NPS may not be aware of that would be of use in preparing the EIS.

Background

- Oysters are commercially grown and processed in Drakes Estero within Point Reyes National Seashore under a Reservation of Use and Occupancy (RUO) and a Special Use Permit (SUP) issued to Drakes Bay Oyster Company (DBOC). The RUO and SUP expire on November 30, 2012.
- The estuary where the oysters are grown was designated as potential wilderness in 1976 by Congress and cannot be administratively designated as full Wilderness by the Secretary of the Interior while the oyster operation is in Drakes Estero (Public Law 94-567).
- Section 124 of Public Law 111-88 allows the Secretary of the Interior to issue a Special Use Permit to DBOC for a period of 10 years. Before this legislation, per the Office of the Department of the Interior's Solicitor, the NPS did not have the authority to extend the permit beyond 2012. DBOC has submitted a request for the issuance of a new permit upon expiration of the existing permit.

Milestone (Target Completion Date)

- Public Scoping** (Fall 2010)
Scoping comment period will close 30 days from publication of notice of intent (NOI) in the Federal Register
- Preparation of DEIS** (Fall 2010-Summer 2011)
- Public Review of DEIS** (Fall 2011)
 - Publication of notice of availability (NOA) in Federal Register
 - Public review of Draft EIS (60 day review)
 - Public meetings approximately 30 days after NOA is published
- Preparation of FEIS** (Fall 2011-Spring 2012)
- FEIS Released to Public** (Summer 2012)
 - Publication of NOA of Final EIS in Federal Register
 - 30-day waiting period
- Record of Decision (ROD) signed** (July 2012)
 - Publication of NOA of ROD in Federal Register

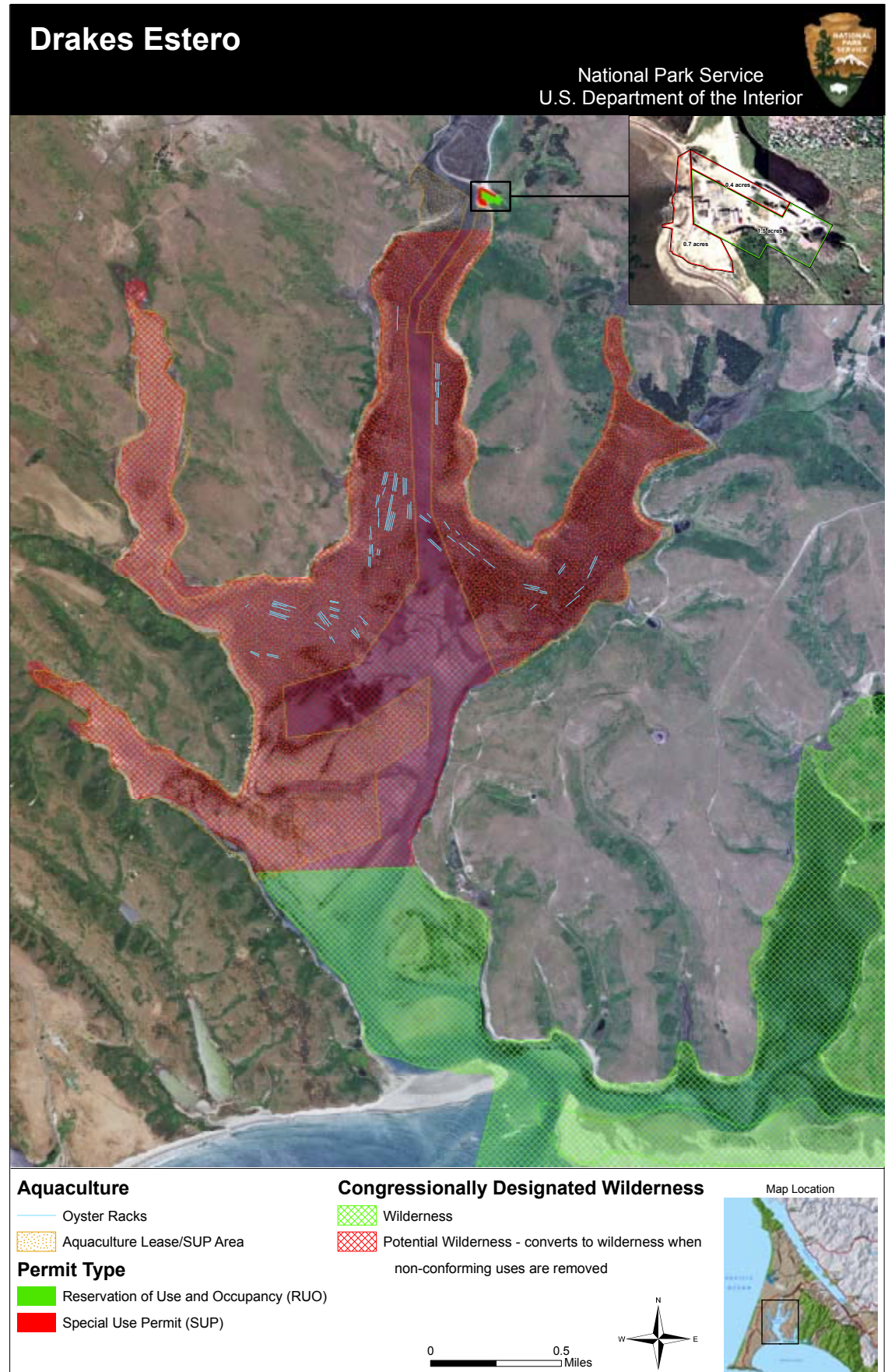
National Park Service Mission

The National Park Service preserves unimpaired the natural and cultural resources and values of the national park system for the enjoyment, education, and inspiration of this and future generations. The Park Service cooperates with partners to extend the benefits of natural and cultural resource conservation and outdoor recreation throughout this country and the world.

"...to promote and regulate the use of the...national parks...which purpose is to conserve the scenery and the natural and historic objects and the wild life therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations."

National Park Service Organic Act, 16 U.S.C.1.

Site Map



Public Law 111-88, Section 124 (2009)

Prior to the expiration on November 30, 2012 of the Drake's Bay Oyster Company's Reservation of Use and Occupancy and associated special use permit ("existing authorization") within Drakes Estero at Point Reyes National Seashore, notwithstanding any other provision of law, the Secretary of the Interior is authorized to issue a special use permit with the same terms and conditions as the existing authorization, except as provided herein, for a period of 10 years from November 30, 2012: *Provided*, That such extended authorization is subject to annual payments to the United States based on the fair market value of the use of the Federal property for the duration of such renewal. The Secretary shall take into consideration recommendations of the National Academy of Sciences Report pertaining to shellfish mariculture in Point Reyes National Seashore before modifying any terms and conditions of the extended authorization. Nothing in this section shall be construed to have any application to any location other than Point Reyes National Seashore; nor shall anything in this section be cited as precedent for management of any potential wilderness outside the Seashore.

Park Enabling Legislation

Point Reyes National Seashore was created on September 13, 1962 to "save and preserve for purposes of public recreation, benefit, and inspiration, a portion of the diminishing seashore of the United States that remains undeveloped" (Public Law 87-657, 16 USC §459c). Subsequent legislation also requires "the property acquired by the Secretary under such sections shall be administered by the Secretary without impairment of its natural values, in a manner which provides for such recreational, educational, historic preservation, interpretation, and scientific research opportunities as are consistent with, based upon, and supportive of the maximum protection, restoration, and preservation of the natural environment within the area..."



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Wilderness

Wilderness is a Congressionally designated status for lands "where the earth and its community of life are untrammelled by man, where man himself is a visitor who does not remain" (Wilderness Act 1964)

Public Law 94-567, October 20, 1976

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in accordance with section 3(c) of the Wilderness Act (78 Stat. 890; 16 U.S.C.1132(c)), the following lands are hereby designated as wilderness, and shall be administered by the Secretary of the Interior in accordance with the applicable provisions of the Wilderness Act:

(k) Point Reyes National Seashore, California, wilderness comprising twenty-five thousand three hundred and seventy acres, and potential wilderness additions comprising eight thousand and three acres, depicted on a map entitled "Wilderness Plan, Point Reyes National Seashore", numbered 612-90,000-B and dated September 1976, to be known as the Point Reyes Wilderness.

Potential wilderness contains non-conforming use and can revert to full wilderness when the use has been removed.

Sec. 3. All lands which represent potential wilderness additions, upon publication in the Federal Register of a notice by the Secretary of the Interior that all uses thereon prohibited by the Wilderness Act have ceased, shall thereby be designated wilderness.

Why is this Action Needed?

Pursuant to Section 124 of Public Law 111-88, the Secretary of the Interior has the discretionary authority to issue a special use permit for a period of 10 years to Drakes Bay Oyster Company (DBOC) for shellfish operations at Point Reyes National Seashore. The existing Reservation of Use and Occupancy and associated special use permit held by DBOC expires on November 30, 2012. DBOC has submitted a request for the issuance of a new permit upon expiration of the existing permit.

What is the Purpose of the Plan?

On behalf of the Secretary, the NPS will use the NEPA process to engage the public and evaluate the effects of continuing the commercial operation within the national park. The results of the NEPA process will be used to inform the decision of whether a new special use permit should be issued to DBOC for a period of 10 years.

Objectives

- Manage natural and cultural resources to support their maximum protection, restoration, and preservation.
- Manage wilderness and potential wilderness areas to preserve the character and qualities for which they were designated.
- Engage a broad spectrum of the public and relevant agencies in the NEPA process.

Impact Topics to be Analyzed

- Wilderness
- Geological Resources
- Water Resources
- Marine and Estuarine Resources
- Terrestrial Resources
- Species of Special Concern
- Floodplains/Flood Zones
- Wetlands
- Soundscapes
- Cultural Resources
- Socioeconomic Resources
- Visitor Experience/Recreation
- Park Operations

Are there other resources that may be impacted and should therefore be included?

What is NEPA?

- The National Environmental Policy Act (NEPA) was passed in 1969 and has been called the "foundation of modern American environmental protection" (CEQ 1997).
- NEPA is a legal requirement for federal agencies, but is better described as an environmental planning process.
- Public participation is a key component of NEPA. The interested and affected public are involved and informed throughout the process.
- NEPA documents are meant to be focused, analytic, problem-solving reports designed to help agencies make informed and wise decisions.

Actions Requiring NEPA Planning

Any federal action or federal decision being considered that would, if implemented, have an impact on the human environment. Under NEPA, the human environment is interpreted broadly to include the natural and physical environment and the relationship of people with that environment, including economic and social effects. Projects, plans, grants, official policy, and permits trigger the need for NEPA review.

Elements of an Environmental Impact Statement (EIS)

Chapter 1: Introduction

- Purpose, Need, Objectives, Issues

Chapter 2: Alternatives

- Describes the no action and action alternatives
- Includes alternatives considered but dismissed from further study

Chapter 3: Affected Environment

- Describes those resources that may be impacted or affected if the alternatives are implemented.

Chapter 4: Environmental Consequences

- Discusses the specific environmental impacts or effects of each of the alternatives.
- Considers direct, indirect and cumulative effects.

Chapter 5: Consultation and Coordination

- Includes brief history of public involvement, list of preparers and their expertise, and a list of recipients of the EIS.
- The Final EIS will also include a Response to Comments section, either in Chapter 5 or as a separate appendix.

How to Comment

- Provide comments to NPS staff during the open house (be sure to get them captured in writing)
- Write your comments on comment sheets provided at the open house
- Submit comments on-line at <http://parkplanning.nps.gov/pore>
- Mail or hand deliver comments to:
DBOC SUP EIS c/o Superintendent
Point Reyes National Seashore
1 Bear Valley Road
Point Reyes Station, CA 94956
- **Comments will not be accepted by FAX, e-mail, or in any other way than those specified above.**

The public scoping comment period will be open until November 22, 2010.

The most useful types of scoping comments consider the following:

- 1) The range of environmental and socioeconomic concerns and issues that need to be considered.
- 2) The scope of the EIS, as presented in the purpose and need.
- 3) New information that should be considered (such as related research) in preparing the EIS.