



United States Department of the Interior

NATIONAL PARK SERVICE

Point Reyes National Seashore
Point Reyes, California 94956

IN REPLY REFER TO:

L 7617
(Draft EIS - DBOC SUP)

APR 06 2012

Mr. Kevin Lunny
Drakes Bay Oyster Company
17171 Sir Francis Drake Blvd
Inverness, CA 94937

Dear Mr. ^{KEVIN}~~Lunny~~,

As part of the NEPA process for the Drakes Bay Oyster Company Special Use Permit EIS, the National Park Service (NPS) has been reviewing all public comment received during the public comment period. We have also reviewed additional information, including your request to the NPS for installation of barbeques, your Coastal Development Permit application to the California Coastal Commission, and the results of the independent peer review conducted by Atkins North America. As a result of our review of these comments and documents, we have identified additional items for your response. In order to maintain a timely schedule for this EIS process, please provide responses to these questions by April 20, 2012.

1. As part of your business plan submittal to the NPS on November 15, 2010, Attachment 6a contained revenue, direct expense, overhead expenses, and other income for the years 2005-2010. As part of your submittal, you requested that this information remain confidential. Based on your request that the NPS not publicly disclose DBOC's confidential financial information, we did not report these data in the socioeconomic analysis sections of the Draft EIS. The Atkins peer review report identified the absence of these types of data in the Draft EIS as a deficiency. In order to address the concerns raised in the Atkins peer review report, the NPS requests your permission to publicly disclose, for purposes of the NEPA process, the revenue, direct cost, indirect cost, and overhead numbers presented in attachment 6a. In addition, as recommended in the Atkins peer review report, we request that you provide and allow us to disclose in the Final EIS annual reporting of the payroll as a total or as a percentage of the direct costs for each year.

The Atkins peer review report also noted that the market level analyses could be strengthened. In order to better assess the market level impacts, please provide the following information regarding DBOC's contribution to the shellfish market, if available:

- a. Percent product canned vs. percent fresh product sold (annually)
 - b. Percent product sold onsite vs. distributed to local restaurants vs. local vendors (farmer's markets, grocery stores, etc.) vs. other shellfish producers vs. distributors
2. The sound measurement report developed by Environ, on behalf of DBOC, does not specify whether any national or international standards were followed during the collection of these measurements. In order to adequately specify the context for the noise measurements and assess the potential utility of these measurements in the evaluation of the Final EIS, please provide the following information:

- a. Please provide a response to the following questions for each of the sound measurements included in the Environ report:
 - i. Were all measurements made at 50 foot distance from the source, or were some made at other distances with a distance correction applied?
 - ii. If a distance correction was applied, what was it?
 - iii. What was the measurement height of the microphone?
 - iv. Please describe the ground or water surface between the noise source and the measurement location.
 - v. What were the wind speeds and direction at the time of measurement?
 - vi. Was the sound meter upwind, crosswind, or downwind of the noise source?
- b. Boat noise measurements
 - i. Was the boat moving at a constant speed on a straight line path?
 - ii. What was the speed of the boat?
 - iii. Were any background data collected at this location in the absence of the boat?
 - iv. Was the person in the photograph the only load in the boat?
 - v. What is the maximum load carried or towed by these boats?
- c. Front end loader
 - i. What was the speed of the front-end loader?
 - ii. What was the load carried during the test?
 - iii. One of the louder measurements captured the dumping of the shells. What was the distance of the measurement location to the shell dump location?
- d. Pneumatic drill measurements
 - i. Were the pneumatic drills used to open shellfish during the tests in the manner which they are normally used, or does the measurement reflect the noise generated by the drill operated in air with no load?
- e. Enclosed air compressor
 - i. Did the 72 second L_{eq} span an interval when the compressor ran continuously?
 - ii. If not, do the notes specify what fraction of the interval had air compressor noise?
 - iii. If the fraction of time that the air compressor was on was not recorded, what was the L_{max} ?
- f. Oyster tumbler measurement
 - i. Does this measurement reflect the sound of the electric motor alone – labeled as the primary noise source in photo 4 on page 3 of the Noise Attachment to the Environ comment document– or was the motor engaged and turning the oyster tumbler?
 - ii. Was the wooden enclosure shown in photo 4 on page 3 of the Noise Attachment to the Environ comment document in place when the measurement was made?
 - iii. Please provide either the weight, volume, or number of oysters that were loaded into the oyster tumbler when the measurement was made?

3. Additional specific questions are listed below.

- a. In your December 9, 2011 comments, DBOC notes that Figure ES-3 does not show the live shellfish holding facility, including existing concrete, underground tank, and associated plumbing. Please provide additional detail on the dimension, specifications, and location of these structures (tank, plumbing, etc.).
- b. Page 16 of the DBOC December 9, 2011 letter states that limiting DBOC to two boats and barges with a combined use of 8 hours per day “would cripple DBOC’s operations by limiting boat use to a fraction of the current use.” This description of boat operations

referenced from the Draft EIS (pg 124) “two motorized boats and two unmotorized barges operated in Drakes Estero, approximately 12 trips per day, 8 hours per day combined” is the NPS understanding of boat operations as expressed by DBOC in the 2009 NAS report and reiterated by DBOC staff to VHB during their site visit on February 19, 2011.

Please provide an updated description representing boat operations, including number of boats and barges, trip durations, number of trips per day, duration of boat operations per day, etc. This applies to both the existing use and any changes that may occur in response to differing levels of production (which DBOC notes would require additional trips).

- c. In the table regarding suggested revisions to the DEIS Executive Summary, DBOC states:

“Racks require major repairs approximately every 10 years. If all racks were currently in good repair, roughly 10% of the racks would require maintenance each year. Currently, roughly 50% of the racks are in need of immediate repairs. Given that the life of the investment is roughly 10 years, and the proposed SUP is 10 years, the proper business decision would be to make the repairs to all of the racks as soon as possible. It is critical that NPS not limit the percentage of the racks repaired in any given year.”

Please provide a specific timeline and details for expected rack repair that would be presented consistent with all potential action alternatives. Please provide details on the type of wood (dimension and preservative) DBOC will use for these structures. Please describe the methods to be used for replacing or installing missing posts. Please describe the materials used to attach the lumber within the racks (e.g. nails, screws, bolts, etc).

- d. What is the overall percentage of oysters produced using the hanging culture method vs. bottom culture method?
- e. Please identify the locations that DBOC places hanging culture on the growing beds, the duration that these strings are hardened, and how often they are turned. What percentage of oysters in hanging culture are hardened on the sand bars prior to harvest?
- f. In the November 15, 2010 letter 10b – Oyster Production – Bottom Bags, DBOC describes that bottom bag lines are anchored with 1 ½ inch PVC pipe. Photos indicate that cinderblocks are used in some cases. Please provide information on all materials used to anchor bottom-bags and anchor lines.
- g. Please provide a map depicting the location of areas where DBOC has implemented or plans to use floating culture methods. In addition, please provide a description of the marking and anchoring methods used for the floating culture.
- h. During the VHB site visit with DBOC staff on February 19, 2011, DBOC indicated that nutrients are added during the setting process. What are the nutrients added to enrich the water and at what concentration?
- i. In a letter to the CCC on January 31, 2008, you stated that “small numbers of European flat oysters and kumamoto oysters, which were planted by Johnson’s Oyster Company

prior to 2005, still exist within the cultivated area.” Are there any non-cultivated European flat oyster or kumamoto oyster remaining in the cultivation area?

- j. The current permit includes European flat oyster. Are you currently cultivating European flat oyster in Drakes Estero or do you plan to cultivate European flat oyster in the future?
 - i. If you are, or plan to cultivate European flat oyster in Drakes Estero, please provide details regarding the DBOC cultivation method, location, anticipated harvest of European flat oyster, and describe practices that DBOC employs to prevent potential escapement and naturalization of European flat oyster to Drakes Estero.
 - k. Please describe actions that DBOC takes to control and remove *Didemnum* from the aquaculture materials and from Drakes Estero.
 - l. Please describe actions that DBOC takes to prevent escape and naturalization of Manila clams from growing areas.
 - m. In your February 17, 2012 Coastal Development Permit submittals to the California Coastal Commission, you include details regarding the installation of a 1,050 foot water intake. This intake is considered in the Draft EIS. Please provide a detailed plan on the anchorage method for the pipe, including interval of anchoring, dimension of pipe, and any anticipated maintenance. Please provide information on the screening at the water intake and how the intake and line will be marked.
4. Subsequent to the public comment period, you sent the NPS a letter on February 17, 2012 requesting permission to install 12 barbeques on the RUO and SUP areas under the current Special Use Permit. We are aware that you have made this same request to the California Coastal Commission. As you know, the intent with the current EIS process is to evaluate all proposed onshore and offshore activities associated with DBOC. The NPS will consider this request as part of the current EIS planning process. In order to evaluate your request appropriately, please provide a map depicting the proposed location for all picnic tables, barbeques, and the hot ash receptacle.

We look forward to your response to these questions by April 20, 2012. Please contact Brannon Ketcham at (415) 464-5192 if you have any questions regarding this request.

Sincerely,



Cicely A. Muldoon
Superintendent