



United States Department of the Interior

NATIONAL PARK SERVICE
Pacific West Region
1111 Jackson Street, Suite 700
Oakland, California 94607-4807



IN REPLY REFER TO:
A 7221 (PWR-PA)

18 APR 2011

Neal Desai
National Parks Conservation Association
150 Post Street, Suite 310
San Francisco, CA 94108

Dear Mr. Desai:

This letter is a final response to your Freedom of Information Act (FOIA) request, sent via electronic mail to Cicely Muldoon on November 4, 2010. The Department of the Interior tracking number for this request is NPS-2011-00074. Please reference this number in any subsequent correspondence regarding your request.

Your request was for materials regarding Drakes Bay Oyster Company (DBOC), specifically:

- 1) Any and all compliance reports or short of formal compliance reports, materials concerning DBOC compliance with NPS regulations and its Special Use Permit(s)
- 2) Any and all monitoring reports or short of formal monitoring reports, materials concerning NPS monitoring of DBOC's compliance with NPS regulations and its Special Use Permit(s)
- 3) Any and all enforcement reports or short of formal enforcement reports, materials concerning NPS enforcement of NPS regulations on DBOC and terms of DBOC's Special Use Permit(s)
- 4) Any and all materials concerning:
 - a. Number of people employed by DBOC;
 - b. DBOC commerce figures (e.g. sales numbers, taxes, fees, financial statements) for DBOC (including the retail operation based onsite);
 - c. Health and safety reports for DBOC;
 - d. Figures or analysis regarding DBOC's impact on the economy.

Subsequent to your original request, on November 19, 2010 you also requested via electronic mail hand-written and typed notes from NPS volunteers and/or students that the National Park Service had previously released to Corey Goodman and/or the Point Reyes Light. Ann Nelson from Point Reyes National Seashore faxed those documents to you on November 19, 2010.

Regarding your request items 1, 2, 3, and 4c in your original request, the enclosed CD contains all the responsive records the National Park Service (NPS) has located. Certain home addresses and personal electronic mail addresses have been redacted pursuant to FOIA Exemption 6.

Regarding your request item 4a, the NPS is withholding a one page document we have listing DBOC personnel information which DBOC has requested remain confidential pursuant to FOIA Exemptions 4 and 6. In response to your interest, the list contains 32 names.

Regarding your request item 4b, NPS is in receipt of tax information related to production from DBOC from 2005 through 2009 from the California Department of Fish and Game. These documents

(approximately 150 pages) contain proprietary DBOC business information. DBOC owner Kevin Lunny was contacted regarding the release of such tax records and has asked that we not share it, so they are withheld pursuant to FOIA Exemption 4.

Regarding your request item 4d, NPS does not have any responsive documents.

Exemption (4) of the FOIA (5 U.S.C. § 552(b)(4)) protects from public disclosure commercial or financial information obtained from a person that is privileged or confidential, and that could cause competitive harm. Exemption (6) of the FOIA (5 U.S.C. § 552(b)(6)) allows an agency to withhold "personal and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy," and therefore prohibits us from releasing this personal information.

If you consider this response to be a denial, you have the right to appeal this decision by writing to the Freedom of Information Act Appeals Officer, Department of the Interior, 1849 C Street NW, MS-6556, MIB, Washington, D.C. 20240. Your FOIA appeal must be received by the FOIA Appeals Officer no later than 30 workdays from the date of this final response. A copy of your original request and this letter should accompany the appeal, as well as a brief statement of the reasons why you believe this initial decision to be in error. The appeal should be marked "Freedom of Information Appeal" both on the envelope and the face of the letter.

Alternatively, as part of the 2007 OPEN Government Act FOIA amendments, the Office of Government Information Services (OGIS) was created to offer mediation services to resolve disputes between FOIA requesters and federal agencies as a nonexclusive alternative to litigation.

Using OGIS services does not affect your right to pursue litigation. You may contact OGIS in any of the following ways:

Office of Government Information Services (OGIS)
National Archives and Records Administration
Room 2510
8601 Adelphi Road
College Park, MD 20740-6001
E-mail: ogis@nara.gov
Phone: 301-837-1996
Fax: 301-837-0348
Toll-free: 1-877-684-6448

In addition to myself, Attorney Advisor Deborah Bardwick and FOIA Officer Kevin Killeen participated in this decision. If you have questions about the processing of your FOIA request, Mr. Killeen can be reached at 206-220-4051.

Sincerely,



Christine S. Lehnertz
Regional Director, Pacific West Region

Enclosure

cc: Superintendent, Point Reyes National Seashore
Brannon Ketcham, Point Reyes National Seashore