



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Southwest Region
501 West Ocean Boulevard, Suite 4200
Long Beach, California 90802-4213

NOV 17 2011

DBOC SUP EIS
c/o Superintendent
Cicely Muldoon
Point Reyes National Seashore
1 Bear Valley Road
Point Reyes Station, California 94956

Dear Ms. Muldoon:

NOAA's National Marine Fisheries Service (NMFS) appreciates the opportunity to comment on the Draft Environmental Impact Statement (DEIS) for Drakes Bay Oyster Company (DBOC) Special Use Permit (SUP), September 2011, prepared by the National Park Service (NPS) and their consultants.

NMFS reviewed the DEIS primarily from the perspective of the impacts of the action alternatives on marine resources and ecosystems. We also reviewed the adequacy of the methodology used in the analysis and identified additional information NPS should consider as it develops the final Environmental Impact Statement (FEIS). Our detailed comments are provided in the attachment.

Based on a review of our records relating to the trust resources for which NMFS has responsibilities under the Marine Mammal Protection Act, the Endangered Species Act, and the Essential Fish Habitat provisions of the Magnuson-Stevens Fishery Conservation and Management Act:

- Based on the evidence and information that has been made available, the harbor seal population in Drakes Estero appears stable and healthy. We have no documentation of any recent disturbance of harbor seals by the aquaculture operation. We have no records of violations by DBOC or law enforcement investigations of DBOC under the Marine Mammal Protection Act.
- There is no indication of negative impacts to fish species of concern to NMFS, including ESA-listed salmonids and their critical habitat.
- There do not appear to be any significant impacts of DBOC operations on Essential Fish Habitat in Drakes Estero overall. We have no records to indicate that DBOC is impacting eelgrass to the degree that the eelgrass is not healthy or not providing adequate habitat values to the estero.




To improve the overall technical quality of the FEIS, we recommend that NPS:

- **Modify the methodology so that all the alternatives are compared to the existing conditions baseline (as described in sections 1502.14, 1502.15, and 1502.16 in the CEQ regulations at [http://ceq.hss.doe.gov/ceq regulations/regulations.html](http://ceq.hss.doe.gov/ceq%20regulations/regulations.html))**
- **Add the National Aquaculture Act of 1980 as a relevant law informing this DEIS**
- **Expand the analysis to consider impacts on cultural resources and visitor experience**
- **Modify the analysis to take into account the ability of ecosystems to recover from negative impacts**
- **Provide a more balanced consideration of the ecosystem services and the positive impacts of shellfish aquaculture on habitat and water quality**
- **Include additional citations from the scientific literature.**

In June 2011, NOAA adopted a new Marine Aquaculture Policy to enable the development of sustainable marine aquaculture within the context of NMFS multiple stewardship missions and broader social and economic goals. Under this policy, NOAA is committed to protecting wild species and ecosystems, and making timely and unbiased management decisions based upon the best scientific information available. We are committed to working with Federal partners to provide the depth of resources and expertise needed to address the challenges facing expansion of aquaculture in the United States. In keeping with the policy of encouraging sustainable aquaculture while protecting wild species and ecosystems, NMFS offers the attached comments on the Park Service's DEIS.

Thank you for consideration of our comments and recommendations. If you have any questions regarding our comments please contact Monica DeAngelis, 562-980-3232, Monica.DeAngelis@noaa.gov or Diane Windham, 916-930-3619, Diane.Windham@noaa.gov.

Sincerely,


for Rodney R. McInnis
Regional Administrator

Enclosure