

October 28, 2007

Ms. Cicely Muldoon  
Superintendent  
Point Reyes National Seashore  
Point Reyes, CA 94956

Dear Ms. Muldoon:

Public Employees For Environmental Responsibility (PEER) and Wilderness Watch jointly conclude that the lands and waters designated as wilderness and potential wilderness within Point Reyes National Seashore is no place for commercial aquaculture. We urge the National Park Service (NPS) to halt the Drakes Bay oyster farm when the current 40-year lease expires in 2012.

The Organic Act of 1916 mandates that the NPS conserve natural objects and wildlife of the parks in an unimpaired state. The enabling act for Point Reyes, as amended in 1976, requires that the NPS administer Point Reyes in accordance with the Organic Act, and "without impairment of its natural values...and supportive of the maximum protection, restoration and preservation of the natural environment within the area." 16 U.S.C. 459c-6(a). The enabling act contains no exceptions for commercial aquaculture. Commercial aquaculture exists at Point Reyes only as a pre-existing, time-limited lease that has a fixed expiration date.

Beyond allegations that commercial aquaculture impairs natural objects and wildlife, commercial aquaculture is contrary to "maximum protection, restoration and preservation" of the natural environment in Drake's Bay. In addition, there is a more compelling legal reason why the oyster farm must end. In 1976 Congress designated 25,303 acres of Point Reyes as wilderness and 8,003 acres as potential wilderness (P.L. 94-544 and P.L. 94-567). The lands and waters used by Drakes Bay Family Farms are in an area classified by Congress as "potential wilderness." Congress mandated that potential wilderness be reclassified by the Secretary of the Interior as wilderness when "...all uses prohibited by the Wilderness Act have ceased."

The Wilderness Act prohibits, among other things "commercial enterprise" 16 U.S.C. 1133(c). An exception to this prohibition exists only for "commercial services"

necessary for recreation 16 U.S.C. 1133(c) (5). Thus, upon expiration of the current 40-year lease for the commercial aquaculture in 2012, the NPS cannot issue a new lease. Rather, the NPS must reclassify the area of the leasehold as wilderness. It would be inconsistent with the law for the NPS to perpetuate the prohibited use that renders the potential wilderness unqualified for re-designation.

The NPS is familiar with the re-designation process at Point Reyes National Seashore. On November 10, 1999, the NPS published a Federal Register notice to re-designate 1,752 acres of potential wilderness of Point Reyes as full wilderness. The Drake's Bay leasehold area represents a significant portion of the remaining "potential wilderness" in Point Reyes.

PEER and Wilderness Watch recognize the political pressure being brought to bear on the NPS but we all recognize that it is law and difficult decisions that sustain the integrity of the national park system. The law requires that Point Reyes be managed "without impairment of its natural values...and supportive of the maximum protection, restoration and preservation of the natural environment within the area" 16 U.S.C. 459c-6(a). The Wilderness Act further reinforces this mandate by strictly proscribing commercial enterprise. There is no room in Drakes Bay for commercial aquaculture once the lease expires.

Never before has the NPS or Congress authorized a commercial enterprise within areas designated as wilderness or potential wilderness in an area of the national park system. Never before has the NPS or Congress authorized a commercial aquacultural operation in a national seashore.

Point Reyes is one of the superlative gems of the national park system, to be managed for the inspiration and benefit of all the American people. To place the interests of one lessee over the integrity of Point Reyes National Seashore and the national park system would be most unfortunate.

In the history of our national parks, we as a nation resisted grazing sheep in our parks to provide wool for the uniforms of the World War I doughboys. In World War II, we as a nation repelled attempts to cut the Sitka spruce forests in Olympic National Park for the war effort. What has become of us as a people if we as a nation cannot protect the precious resources of Point Reyes for a few oysters? We pledge to do all that we can to help protect Point Reyes National Seashore.

Cordially,

Jeff Ruch  
PEER Executive Director

A handwritten signature in black ink, reading "George Nickas". The signature is written in a cursive style with a large, stylized initial "G".

George Nickas  
Executive Director  
Wilderness Watch