

DIANNE FEINSTEIN
CALIFORNIA



SELECT COMMITTEE ON INTELLIGENCE - CHAIRMAN
COMMITTEE ON APPROPRIATIONS
COMMITTEE ON THE JUDICIARY
COMMITTEE ON RULES AND ADMINISTRATION

United States Senate

WASHINGTON, DC 20510-0504

<http://feinstein.senate.gov>

August 31, 2012

The Honorable Ken Salazar
Secretary
U.S. Department of the Interior
1849 C Street, N.W.
Washington, D.C. 20240

Dear Secretary Salazar,

In a 53-page study released yesterday, the National Research Council, the premier research organization in the nation, stated that research on the potential impacts that oyster farming has on Drakes Estero is "sparse," and there was "limited scientific information available to support conclusions in Draft Environmental Impact Statement for Drakes Bay Oyster Company." The study confirms what I have known all along – that the Park Service's science is flawed and the agency is making a biased and unfair permit decision against the oyster farm based on unsound and tentative science.

The Council's findings lead to the conclusion that the Park Service has failed to make its case against Drakes Bay Oyster Company. The Council studied eight "resource categories" that the Park Service used to evaluate the oyster farm's environmental impacts – such as wetlands, eelgrass, wildlife, and water quality – and in every instance where the Park Service argued that the oyster farm had "major" or "moderate" impacts, the Council determined that the limited data could also reasonably support findings of "minor" impacts. See Table S.1. In other words, the Park Service ignored or neglected the likelihood that the oyster farm's impacts may not be as pronounced as the agency claims.

Furthermore, the Council found "moderate to high levels of uncertainty for seven of the eight resources categories reviewed," and there was "not enough information . . . to establish how the oyster farm's operation could impact the various categories." The Chair of the review committee, and Professor Emeritus at the University of Maryland Center for Environmental Science, Thomas Malone, stated that the Park Service's assessment of oyster farm impacts is akin to "estimating rainfall for an entire year when rainfall records are only available for March."

As you know, the quality of the Park Service's environmental analysis of Drakes Bay Oyster Company has consistently raised troubling questions since 2006:

- In Spring 2007, the Department of the Interior's Inspector General began investigating alleged scientific misconduct by the Park Service when the agency issued reports in 2006 and 2007 on the oyster farm's environmental impacts.
- In May 2009, the National Academy of Sciences concluded that the Park Service "selectively presented, over-interpreted, or misrepresented the available scientific information on potential impacts of the oyster mariculture operation." Despite the Park Service's multiple revisions of its environmental report, the Academy concluded that "[the report] never achieved a rigorous and balanced synthesis of the mariculture impacts. Overall the report gave an interpretation of the science that exaggerated the negative and overlooked potentially beneficial effects of the oyster culture operation."

At the same time, the Department of the Interior Inspector General also found that the Park Service's Science Advisor leading the Drakes Bay study "misrepresented research" despite being "privy to information contrary" to what she presented, and "did nothing to correct the information before its release to the public." Further, the Inspector General found that the Park Superintendent "intended to bring the potential negative effects of [the oyster operation] to the public's eye."

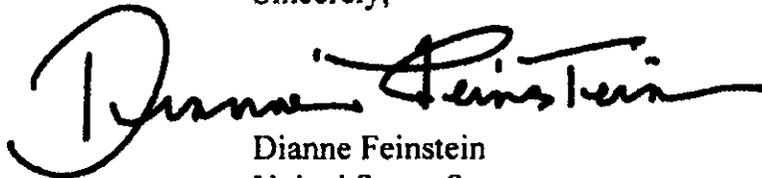
- In March 2011, Park Service Field Solicitor Gavin Frost reported that a Park Service scientist had suppressed 250,000 photographs studying the oyster farm's effects on harbor seals, and the scientist held fast to a "statistically and scientifically unproven belief" that the oyster farm operations were disturbing seals despite evidence to the contrary. Frost concluded that the Park Service's misconduct "arose from incomplete and biased evaluation and from blurring the line between exploration and advocacy through research."
- The Park Service's draft EIS included noise measurements that appeared to show that oyster boats disturb the quiet of Drakes Estero. However, in March 2012, it came to my attention that the Park Service's measurements did not come from the oyster boats or the surrounding areas, but from jet skis in New Jersey that were part of an unrelated 17 year-old study, and

which were attributed to the oyster farm's operations without explanation. In response to this discovery, the Department of the Interior's Inspector General has opened a new investigation into the Park Service's conduct.

The Park Service's flawed science is threatening the survival of the last remaining oyster cannery in California, in operation for more than 70 years. The family that owns the farm has been farming for four generations. It employs 30 people, produces oysters prized throughout the region, and is run by an owner committed to environmentally sustainable business practices. This is a responsible business that is worthy of continuance.

The Park Service's refusal to extend the oyster farm's permit based on flawed and biased science is wrong, and I urge you to renew the oyster farm's lease without further delay.

Sincerely,



Dianne Feinstein
United States Senator

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THE SECRETARY OF THE INTERIOR
WASHINGTON

MAY 18 2012

The Honorable Diane Feinstein
United States Senate
Washington, DC 20510

Dear Senator Feinstein:

Thank you for your letter of March 20, 2012, concerning tule elk at Point Reyes National Seashore. Point Reyes is the only national park with tule elk and reestablishment of a free-ranging elk herd in 1998 was an important ecological restoration effort for California.

The National Park Service (NPS) actively supports historic dairy and beef operations at Point Reyes and has made significant investments in ranching infrastructure. Point Reyes ranching permits are substantially discounted to reflect the complexities of managing agricultural operations within a national park.

Beef and dairy ranches operate in a challenging economic environment and we take the concerns raised by park ranchers seriously. The 1998 Tule Elk Management Plan and Environmental Assessment for Point Reyes did not contemplate, analyze, or assess the establishment of a tule elk herd in the pastoral ranching zone of the Park. Since the fall of 2010, the NPS has conducted extensive monitoring to better understand the behavior of the tule elk herd in the pastoral zone, experimented with wildlife-friendly fences, and repaired damaged fences. Ranchers have been asked to contact park staff any time that elk-related damage is suspected so that it can be documented. Collaboration with park ranchers and with the interested public is critical to successful ranch and wildlife management.

As dairies in the region succumb to larger market pressures, the NPS is proud to support the continued vitality of historic park ranches and to facilitate the reestablishment of both the historic B and L Ranch dairies in the last 2 years. The NPS will work directly with the park ranchers to address their concerns, preserve the unique ecological and cultural landscape of the Point Reyes peninsula, and continue to demonstrate that working ranches can be successful within the context of a national park.

Sincerely,

Ken Salazar

DIANNE FEINSTEIN
CALIFORNIA



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United States Senate

WASHINGTON, DC 20510-0504

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March 18, 2016

SELECT COMMITTEE ON INTELLIGENCE - VICE CHAIRMAN
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OFFICE OF THE
EXECUTIVE SECRETARIAT

The Honorable Sally Jewell
Secretary
U.S. Department of the Interior
1849 C Street N.W.
Washington, D.C. 20240

Dear Secretary Jewell:

I write to urge the National Park Service to continue to honor existing ranching and dairy leases at Point Reyes National Seashore in your development of the upcoming Ranch Management Plan. While I am disappointed by the recent lawsuit, I firmly believe that multi-generational ranching and dairying is not only important both ecologically and economically for the area, but also entirely consistent with Congress's intent when it established Point Reyes National Seashore in 1962 and subsequently amended the Act in 1978.

Allowing for continued ranching was a part of the deal Congress struck when it first established Point Reyes National Seashore as a national park. As part of a deal to persuade landowners to sell their property to create the National Seashore in 1962, the federal government assured residents they could continue ranching. And Congress subsequently reaffirmed the importance of agriculture in 1978 when it established the permitting system that now governs the leases.¹ We must keep that promise.

Congress's intent that agriculture continue at Point Reyes has been reflected by various members of the administration throughout the years. Then-Secretary of the Interior Ken Salazar observed in 2012, for instance, that "working ranches are a vibrant and compatible part of Point Reyes National Seashore, and both now and in the future represent an important contribution to Point Reyes' superlative natural

¹ The portions of the enabling legislation discussed in this paragraph are at 16 U.S.C. § 459(c-5).

and cultural resources.” The Secretary then directed the National Park Service to fully consider the values of ranching and farming in future planning efforts.²

Point Reyes now has a total of 35 leasing or permitting instruments that allow ranching, of which 29 are for beef cattle and 6 are for dairy cattle. These operations are not only an important cultural and economic underpinning in the area, they also sustain a healthy and well-balanced ecosystem. Sound, sustainable farming practices help with—not hinder—the management of vast grasslands under threat from non-native plants.

Sustainable ranching in the Seashore also provides an excellent opportunity to educate the millions of visitors who come visit each year. In these unique working landscapes, visitors can witness for themselves how locally-produced food reduces greenhouse gas emissions by reducing the distance traveled from farm to table.

I firmly believe that not only must the National Park Service provide for continued ranching, but the National Park Service should do so in a manner that places these ranchers on sound footing. We must provide farmers and ranchers assurance that the land they are investing in today will be there tomorrow for their children, let alone around long enough for them to recoup their investments.

That is why I asked for, and former National Park Service Director Mary Bomar agreed to issue, ten-year leases. That the National Park Service subsequently decided to issue twenty-year leases is another step in the right direction. These types of leases will allow ranchers to amortize the costs of vital capital improvements, like installing fencing and developing water sources for livestock.

I am also acutely aware that this drought has taken its toll on farming in the area. As a result, diversification of crops and income is now more important than ever. The upcoming Ranch Management Plan should allow for some level of agricultural diversification within the special use permit, including small-scale row crop farming, production of different livestock species, and allowance of agricultural processing and sales. Not only would these types of allowances afford ranch families stability, but they would also provide the local community with diversity of local foods.

² Dept. of the Interior, Memorandum, *Point Reyes National—Drakes Bay Oyster Company*, Nov. 29, 2012.

At a time when climate change highlights the importance of local food sources, we should be applauding, not vilifying, farmers at Point Reyes. I ask that you please keep me and my staff updated as you continue to develop the Ranch Management Plan.

I would like to close with a quote from the National Park Service's General Management Plan of 1980: "There is no better place for man to contemplate his origins, the factors that sustain him, and the threats that may destroy him, than at the edge of the sea." I am now more convinced than ever that this national treasure and its lessons should be preserved for our children.

Sincerely,

A handwritten signature in cursive script, appearing to read "Dianne Feinstein". The signature is written in dark ink and is positioned above the printed name.

Dianne Feinstein
United States Senator

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