

## DEPARTMENT OF FISH AND GAME



G. Ray Arnett, Director

February 19, 1971

Mr. Charles W. Johnson  
Johnson Oyster Company  
P. O. Box 132  
Inverness, California 94937

Dr. Orcutt suggested, Mr. Johnson ---

--- that we write to you and attempt to clarify your position in regards to your oyster allotment in Drakes Estero.

The legislation that transferred submerged lands at Point Reyes to the Federal government specifically reserved fishing rights to the State (refer to AB 1024, Bagley, Ch. 983, Statutes of 1965 enclosed); therefore, all state laws and regulations pertaining to shellfish cultivation remain in effect and are applicable to the operation of oyster allotments in Drakes Estero.

Specifically, the statutory responsibilities of the Department of Fish and Game include the collection of an annual rental fee, seed inspection fees, privilege taxes, establishment of planting requirements -- in short, all current sections of the Fish and Game Code, and of Title 14, California Administrative Code, which relates to shellfish cultivation apply to the Johnson Oyster Company.

A memorandum of agreement (copy attached), signed by you and Mr. Fred W. Bimewies (former Superintendent Pt. Reyes National Seashore) on July 2, 1964, provided that, if you voluntarily abandoned that portion of your allotment located in Estero de Limantour, additional acreage (200-250 acres) would be granted to you in Drakes Estero in the event the submerged lands and tidelands were transferred to the Federal government. As a part of this agreement, a twenty year special use permit was to be issued to you.

Since July 1964, your acreage in Estero de Limantour has been abandoned at the request of the Park Service, and allotment no. 2 redefined to include acreage in Schooner Bay. Both actions were in accord with your memorandum of agreement. When this redefinition took place the new effective date for allotments 2 and 72 became February 19, 1965 (see attached). In accordance with the allowable 25 year maximum limitation, Section 6495 State Fish and Game Code, your termination date for both allotments was set at February 19, 1990, providing all provisions of the Code are met.

In 1969 a Memorandum of Understanding was drawn up between the State of California, Department of Fish and Game and the National Park Service relating to wildlife management in the Point Reyes National Seashore. In this memorandum the Department and the Park Service mutually agreed to work together and to initiate and carry out jointly approved fish and wildlife management programs.

Mr. Charles W. Johnson

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RONALD REAGAN, Governor  
February 19, 1971

FISH AND GAME



The National Park Service and the Department of Fish and Game are both interested in perpetuating oyster culture in Drakes Estero. In this regard we will work together in managing the oyster operations within the National Seashore so they will provide recreational opportunities and benefit the local economy.

The Park Service is presently acquiring all privately owned lands within the established boundary of the Point Reyes National Seashore. During this process the Park Service will negotiate for those lands owned by the Johnson Oyster Company. At that time it may be desirable for the National Park Service, Department of Fish and Game and Johnson Oyster Company to draw up a tripartite agreement covering future oyster operations, so as to satisfy all possible legal questions.

Sincerely,

COPY ORIGINAL SIGNED BY  
L. H. CLOYD

FOR Director

cc: Dr. Orcutt, MRR-Menlo Park  
Mr. John Sansing, Superintendent  
Pt. Reyes National Seashore,  
Pt. Reyes, Calif. 94956

Enclosures