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June 9, 2009

Dr. Tim Ragen, Executive Director  
Marine Mammal Commission  
4340 East-West Highway, Suite 700  
Bethesda, Maryland 20814

**Re: Concerns regarding harbor seals protections at Drakes Estero**

Dear Dr. Ragen:

We write to you regarding a matter of great concern to those interested in marine mammal protection that has arisen at Drakes Estero within Pt. Reyes National Seashore. We understand you are aware of the recently released National Academy of Sciences report regarding the Estero. Speaking on behalf of many who support the Commission's goals and the park service's research on harbor seals, we request your timely assistance.

The report contains numerous shortfalls, misinterpretations, and inaccuracies regarding critical topics ranging from interpretation of the applicable policies (Marine Mammal Protection Act, National Park Service Management Policies, and Wilderness Act), to the dismissal of site-specific adverse impacts on harbor seals.

At the top of our list of concerns is the NAS report's dismissal of the "precautionary principle" that not only compromises protection of our precious wildlife such as harbor seals, but also presents conclusions that would run counter to long standing policies geared to ensure species protection.

The NAS report has led to conclusions of many, including some decision makers, that there is nothing to be concerned about regarding commercial oyster operations in/around seal habitat. Unfortunately, this conclusion may very well inappropriately affect policy decisions protecting marine mammals in Drakes Estero and beyond.

The NAS panel members may have been experts in their scientific fields, but they were not experts or even well versed academics in any of the above stated "precautionary" policies, even though these policies are the most important and applicable for prescribing management of a national park wilderness area that is a haven for harbor seals. Therefore, we request that the Marine Mammal Commission review the findings of the NAS report and clarify for the public and policy makers the extent of concern that exists from oyster operations on harbor seals, as well as and the application of



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applicable policies and use of the precautionary principle in management implementation.

Organizations such as ours have consistently relied on the Commission in our joint goals to see the protection and conservation of our marine mammals. With that in mind, we urge the Commission to provide input into this matter. For your information, attached are several letters regarding this topic. We can be reached by contacting Neal Desai at 415-989-9921 x20, [ndesai@npca.org](mailto:ndesai@npca.org) or Gordon Bennett at 415-663-1881, [gbatmuirb@aol.com](mailto:gbatmuirb@aol.com).

Sincerely,

Neal Desai  
Sr. Program Manager, Pacific Region  
National Parks Conservation Association

Gordon Bennett  
Parks and Wildlife Chair  
Sierra Club Marin Group



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