





## Point Reyes NS Enabling Legislation

- Sec. 459c. Point Reyes National Seashore; purposes; authorization for establishment
  - In order to save and preserve, for purposes of public recreation, benefit, and inspiration, a portion of the diminishing seashore of the United States that remains undeveloped



## Point Reyes NS Enabling Legislation

**Prioritization of natural values:** The Secretary shall administer the Seashore “*without impairment of its natural values*, in a manner which provides for such recreational, educational, historic preservation, interpretation, and scientific research opportunities as are consistent with, based upon, and supportive of the *maximum protection, restoration, and preservation of the natural environment within the area.*” (Emphasis added.)



The House Committee Report states that this language  
“underscores the intention that *the Seashore is to be managed  
for the protection of its natural environment and values.*”  
(Emphasis added.)

The Report makes clear that the Seashore should be managed  
under the then existing NPS policies governing “natural” areas  
rather than the policies for “recreational” areas. These policies  
emphasize, among other things, the preservation of the total  
environment of natural areas, the removal of all inconsistent  
physical improvements or land uses on acquired property, and  
the elimination “as rapidly as possible” of nonpark uses and  
developments. *See Administrative Policies (Natural Area  
Category)*, revised 1970, at 16, 28, 62.

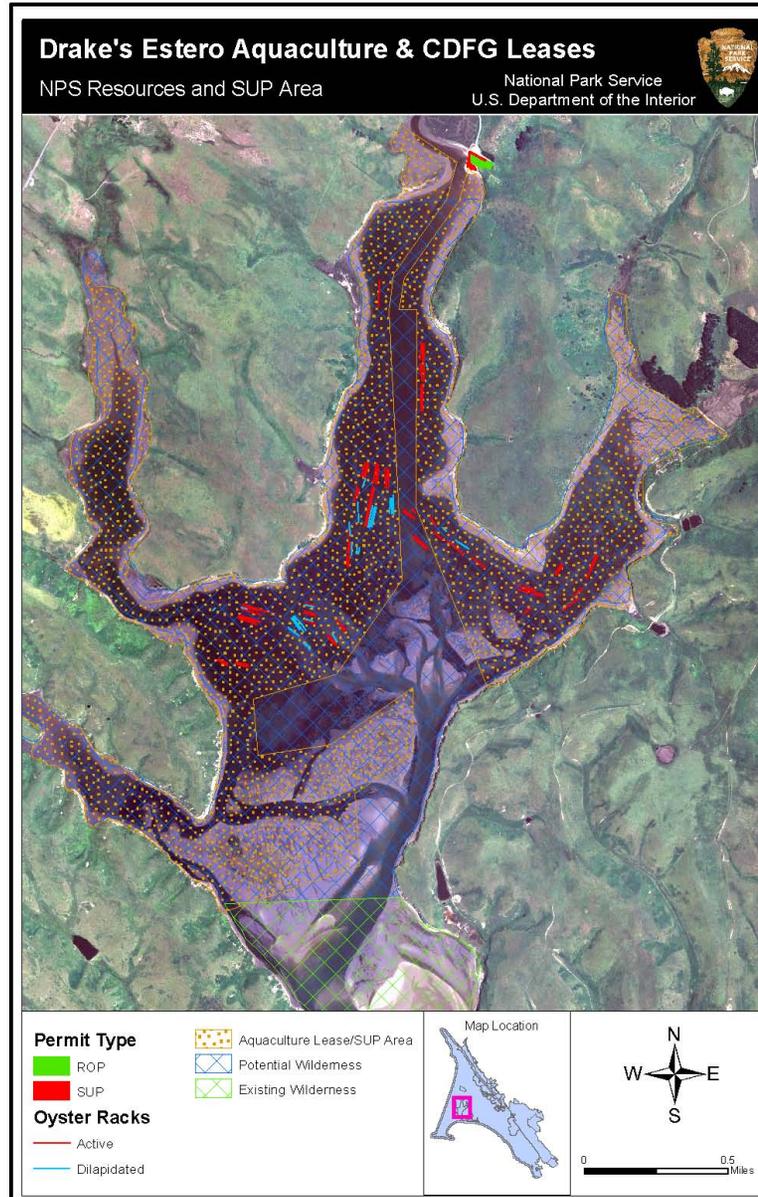


# Point Reyes Wilderness Act 1976

Enactment of additional Point Reyes National Seashore legislation to designate wilderness and strengthen the enabling act (Pub. L. No. 94-544 (Oct. 18, 1976):

Designates as wilderness, to be administered by the Secretary of the Interior in accordance with the Wilderness Act, 25,370 acres and potential wilderness additions (including Drakes Estero) comprising 8,003 acres

# National Park Service Point Reyes National Seashore





# Management of Wilderness

The principle of nondegradation will be applied to wilderness management, and each wilderness area's condition will be measured and assessed against its own unimpaired standard. Natural processes will be allowed, insofar as possible, to shape and control wilderness ecosystems.

(NPS Management Policies, Sec. 6.3.7, 2006)



Management should seek to sustain the natural distribution, numbers, population composition, and interaction of indigenous species.

(NPS Management Policies, Sec. 6.3.7, 2006)



## 2010 Appropriations Bill Language

### Point Reyes National Seashore, extension of permit

- Sec. 124. Prior to the expiration on November 30, 2012 of the Drake's Bay Oyster Company's Reservation of Use and Occupancy and associated special use permit ('existing authorization') within Drake's Estero at Point Reyes National Seashore, notwithstanding any other provision of law, the Secretary of the Interior is authorized to issue a special use permit with the same terms and conditions as the existing authorization, except as provided herein, for a period of 10 years from November 30, 2012: *Provided*, That such extended authorization is subject to annual payments to the United States based on the fair market value of the use of the Federal property for the duration of such renewal. The Secretary shall take into consideration recommendations of the National Academy of Sciences Report pertaining to shellfish mariculture in Point Reyes National Seashore before modifying any terms and conditions of the extended authorization. Nothing in this section shall be construed to have any application to any location other than Point Reyes National Seashore; nor shall anything in this section be cited as precedent for management of any potential wilderness outside the Seashore.

# National Park Service Point Reyes National Seashore



Point Reyes National Seashore  
Tomales Bay State Park

National Park Service  
U.S. Department of the Interior

California State Parks  
Department of Parks and Recreation



## Boating Guide



Summer through winter, brown pelicans - a federally listed endangered species - roost on islands and floats. They use Pelican Point and Hog Island as resting areas while they are at Point Reyes. Seabirds are protected by the Migratory Bird Treaty Act and some, such as the Brown Pelican, are also protected by the Endangered Species Act. Avoid areas where large numbers of birds are resting. Do not "flush" or harass birds from their resting areas.

printed on recycled paper

### Wildlife Protection Closures:

The east side of Hog Island is closed for overnight and day use to provide a haul-out site for harbor seals and a roosting area for pelicans.

**NOTE:** The Marine Mammal Protection law of 1972 prohibits taking or harassing marine mammals with a civil penalty of up to \$10,000. Harassment is defined as any act that has the potential to disturb a marine mammal by causing disruption of behavioral patterns, including but not limited to migration, breathing, nursing, breeding, feeding or sheltering.

Pelican Point is closed for overnight day use to provide a peaceful rest for pelicans.

South Blue Gum Beach is closed seasonally from March 1 - June year for seal protection.

Drakes and Limantour Este closed seasonally from March each year for seal protection closed year round to motor

Dogs are prohibited on beaches on Tomales Bay regulations, call 415-6

## PADDLER'S WILDLIFE VIEWING



Pass far so animals are not affected by your presence.

Approach indirectly and avoid direct confrontation.

Discreetly view and restrain your impulse to get closer.

Defer immediately when you observe behavior changes.

Leave wildlife alone and do not attempt to rescue.

Explain to paddlers: protecting wildlife protects paddling.

Irresponsible Paddlers Can Cause Wildlife Area Closures

National Park Service  
Point Reyes National Seashore



Point Reyes National Seashore

National Park Service  
U.S. Department of the Interior



# Area Closed



Harbor seal  
pupping season  
March 1 - June 30

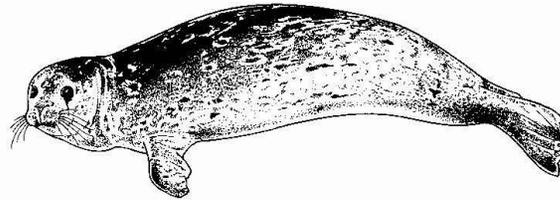


Point Reyes National Seashore

National Park Service  
U.S. Department of the Interior



# Do Not Disturb Harbor Seals



## Stay at least 100 yards away

Any human action that causes a change  
in the behavior of a marine mammal is  
considered harassment.

The Marine Mammal Protection Act and Federal Regulations  
protect all marine mammals.



**WARNING!**

MARINE MAMMALS  
ARE PROTECTED  
BY FEDERAL LAWS



**PLEASE! Do NOT Disturb Marine Mammals.**

Observe Them From a Safe Distance

Marine Mammals are Wild Animals and Can be Dangerous!

It is Against the Law to Feed, Harass, Hunt, Capture, or Kill Marine Mammals. This Includes Any Act of Pursuit, Torment or Annoyance that has the Potential to Injure or Disturb a Marine Mammal. Violators are Subject to Civil and Criminal Penalties under The Marine Mammal Protection Act.



Report Violations to the NMFS Enforcement Hotline:

**1-800-853-1964**



# General Special Use Permit Language

## CLOSED AREAS

### – Drakes Beach

- The entire Drakes Estero is closed to boating, canoeing, or kayaking from **March 1 to June 30** for the seal pupping season.
- During other months of the year, remember that haul-out sites are sensitive, use caution and keep your distance.
- Seal disturbance may cause revocation of this Authorization. (Title 50, Section 216.3, Code of Federal Regulations, Title 36, Section 1.5(b)(iii) & 2.2(a)(2) Code of Federal Regulations)



# General Special Use Permit Language

## WILDLIFE (General)

- Harbor seals and other pinnipeds need to haul out for several hours every day to rest. Give them a **berth of at least 300 feet** when the seals are on land and 50 feet in the water. The Marine Mammal Protection Act of 1972 prohibits the disturbance of marine mammals. It includes a prohibition against any act of pursuit, torment or annoyance that has the potential to injure or disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering. (16 USC 1362, 16 USC 1372).



## DBOC Permit Language

- vii) Permittee must avoid disturbance to marine mammals and marine mammal haul-out sites. The Marine Mammal Protection Act, 16 U.S.C. 1361 et seq., includes a prohibition against any act of pursuit, torment or annoyance that has the potential to injure or disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering. Permittee will maintain a distance of at least 100 yards from hauled out seals throughout the year.



## DBOC Special Use Permit

- Permitter will monitor marine mammal populations in Drakes Estero. In addition, during the pupping harbor seal closure period, March 1-June 30, the designated wilderness area (outside of Permit area) is closed to all boats. Permittee will follow “Drakes Estero Aquaculture and Harbor Seal Protection Protocol” attached hereto as Exhibit C.



- If required by CDHS, watercraft may use the Main Channel identified in Exhibit C during the pupping harbor seal closure period only to access CDHS's sentinel monitoring station for marine biotoxins. Boats shall be operated at low speed, near the eastern shore, to minimize chance of disturbance to harbor seals. No other use of the Main Channel is authorized during the pupping harbor seal closure period.



## Drakes Estero Aquaculture and Harbor Seal Protection Protocol

The following items are mutually agreed to for protection of harbor seals in and adjacent to the Harbor Seal Protection Areas identified in the Map, attached hereto and incorporated herein by reference ("Protocol Map"):

- During the pupping season, March 1 through June 30, the "Main Channel" and "Lateral Channel" of Drakes Estero will be closed to boat traffic. During the remainder of the year, the Lateral Channel and Main Channel are open to boat traffic outside of the protection zone.

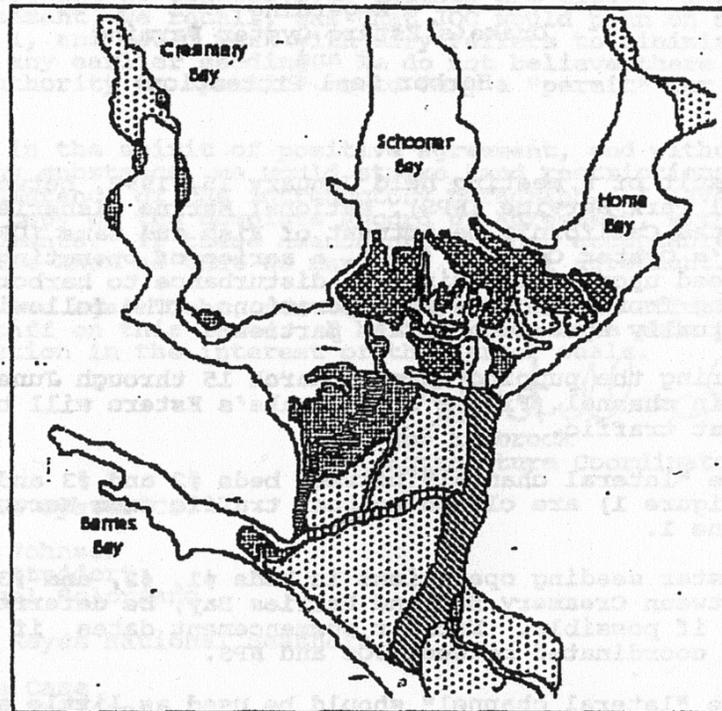


- During the breeding season, Permittee boats may use the "West Channel" at low speed while maintaining a distance of at least 100 yards from hauled out seals.
- Throughout the year, all of Permittee's boats, personnel, and any structures and materials owned or used by Permittee shall be prohibited from the harbor seal protection areas identified on the Protocol Map. In addition, all of the Permittee's boats and personnel shall be prohibited from coming within 100 yards of hauled out harbor seals.

# National Park Service Point Reyes National Seashore



## Drakes Estero Harbor Seal Pupping Season Closures



Mud Flat



Eelgrass



Main Chan



Lateral Chan



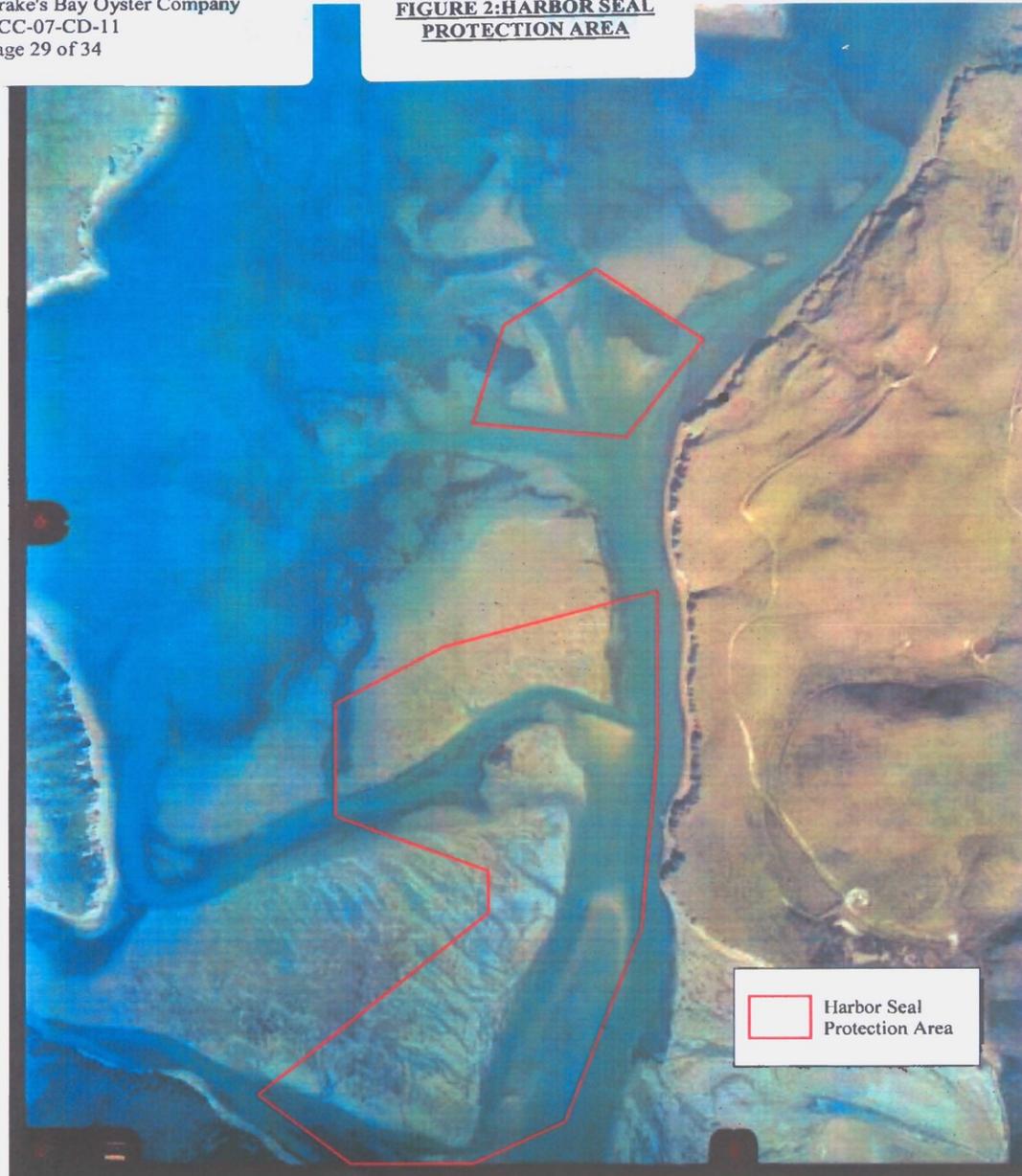
West Chan

# National Park Service Point Reyes National Seashore



Drake's Bay Oyster Company  
CCC-07-CD-11  
Page 29 of 34

**FIGURE 2: HARBOR SEAL  
PROTECTION AREA**



Harbor Seal  
Protection Area

National Park Service  
Point Reyes National Seashore



**Drakes Estero  
Coastal  
Watershed**

