



November 5, 2020

California Fish and Game Commission
Marine Resources Committee
P.O. Box 944209
Sacramento, CA 94244-2090
Via Electronic Delivery: fgc@fgc.ca.gov

Re: FGC Agenda Item 5: New marine aquaculture leases in California

Dear Commissioners Silva and Murray,

Thank you for the opportunity to comment on Marine Resources Committee Agenda Item 5, *New marine aquaculture leases in California*. The undersigned organizations have extensive knowledge of marine resources off the California coast and experience navigating the various laws and policies associated with coastal and marine development. Together, we offer our general support for the Committee's consideration of a potential committee recommendation to continue a temporary hiatus on receipt of new applications for state water bottom leases for the purpose of aquaculture (excepting previously received applications currently under consideration).

We understand the hiatus is needed due to capacity issues, and we also support the hiatus related to environmental concerns and the need for a coordinated planning effort. There is voluminous interest in new aquaculture leases at this time in both federal¹ and state waters including the Ventura Shellfish Enterprise Project and Pacific Ocean Farms projects, and there is a need to take a coordinated approach between state agencies including the Ocean Protection Council and the California Coastal Commission to plan collaboratively for protecting California's biodiverse waters and coastal communities. We understand work is being undertaken by state agencies to develop coordinated aquaculture principles as well.

We are generally supportive of the Ocean Protection Council's aquaculture action plan, as well as the California Coastal Commission's efforts to revise and update Coastal Development Permits (CDP) to include enforceable permit conditions, as well as the California Coastal Commission's development of a statewide CDP Permit Guidance. The Fish and Wildlife Department's Aquaculture

¹ Aquaculture Opportunity Areas, <https://www.fisheries.noaa.gov/aquaculture-opportunity-areas>

Information Report² will also help inform the Ocean Protection Council's aquaculture action plan. Many agencies are involved in aquaculture permitting, further demonstrating the need for a coordinated effort between the state agencies mentioned above as well as the Army Corps of Engineers and the Public Health Departments, etc. A more coordinated effort may also provide time for the Fish and Game Commission's stalled aquaculture Best Management Practices regulatory process to resume or merge with the Ocean Protection Council's aquaculture action plan, as well as ensure that the public has a meaningful opportunity to provide input.

The importance of carefully reviewing impacts is critical, since aquaculture development is often placed within sensitive and complex ecosystems. Historical examples highlight some of the challenges and environmental impacts of the aquaculture industry, such as extensive clean up after operational closure³ and the impacts of unpermitted activities⁴, both of which can leave behind lasting impacts to habitat, and in extreme cases, there have been threats to public health and safety⁵. A coordinated effort is even more critical due to the changing climatic conditions our waters and bays are already experiencing.

Concerns with Unsustainable Aquaculture Development

We also take this opportunity to voice our opposition to more environmentally damaging and unsustainable forms of aquaculture (such as bivalve facilities that use pesticides, operations that damage eelgrass⁶, and any large finfish facilities in federal waters).

These types of aquaculture can cause damage to essential habitat, water quality, and public health when poorly sited and/or scaled, as well as increasing marine debris. For example, while wild bivalves are known to clean water, the water quality impacts of intensive shellfish aquaculture may not always be beneficial; many aquaculture activities can negatively impact water quality through the removal of eelgrass, the increase of wastes from concentrated production, and the disruption of sediments.

² California Department of Fish and Wildlife, The Status of Commercial Marine Aquaculture in California, Final Report to the California Fish and Game Commission, May 2020, pp. 22-68 of the PDF *available at*, <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=180517&inline>

³ Guy Kovner, The Press Democrat, "More work ahead to restore estero after Drakes Bay Oyster Co. departure", January 9, 2016, <https://www.pressdemocrat.com/article/news/more-work-ahead-to-restore-estero-after-drakes-bay-oyster-co-departure/?ref=related>; *See also* California Coastal Commission, Staff Report and Findings for Consent Cease and Desist Order No. CCC-07-CD-11 showing unpermitted operations, December 12, 2007.

⁴ For example, after-the fact authorizations have been issued to Morro Bay (December 13, 2019), Santa Barbara Mariculture (July 13, 2018), Hog Island Oyster Company (February 8, 2019), and other operations.

⁵ Rob McMillan, ABC7, "Hidden danger off SoCal coast leads to tragic death of Orange County man who was fishing", December 10, 2019, <https://abc7.com/hidden-danger-off-socal-coast-leads-to-tragic-death-of-oc-man/5745369/>

⁶ We appreciate the specific discussion of the importance of eelgrass, a foundational species, which begins on p. 24 of the Draft CDP Application Guidance (Draft CDP Guidance), <https://documents.coastal.ca.gov/assets/cdp/Draft-CDP-Application-Guidance-Aquaculture-and-Marine-Restoration.pdf> Draft Guidance

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Other significant potential environmental impacts from dense shellfish aquaculture is a reduction in shoreline biodiversity, installation of plastic gear (e.g., PVC tubes, polyethylene anti-predator netting, and polyolefin ropes), and use of pesticides. Massive shellfish operations also pose risks to marine wildlife and public health and safety. Aquaculture can also have significant negative impacts on shorebirds as mentioned under the wildlife section of the Draft CDP Guidance.⁷

Thank you for the consideration of our comments and for your continued dedication to the marine resources of our state.

Sincerely,

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⁷ Draft Guidance, p. 30