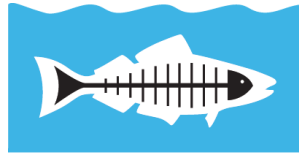


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Heal the Bay



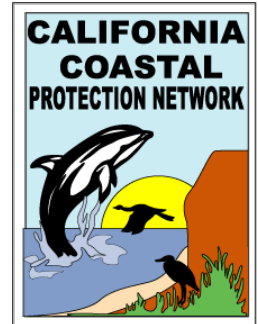
OPS: OCEANIC
PRESERVATION
SOCIETY



Friends of
the Earth



SAN DIEGO
COASTKEEPER



CENTER FOR
FOOD SAFETY

March 3, 2021

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 MRC Agenda Item 4: Marine Aquaculture in California

Dear Commissioner Murray,

Thank you for the opportunity to comment on Marine Resources Committee Agenda Item 4, *marine aquaculture 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 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) as well as support for the California Ocean Protection Council (OPC)'s development of aquaculture principles and a state aquaculture action plan, which we look forward to participating in.

A number of the undersigned organizations initially supported the hiatus due to capacity issues, as well as 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 OPC and the California Coastal Commission to plan

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

March 3, 2021

Comments re: MRC Agenda Item 4

collaboratively for protecting California's biodiverse waters and coastal communities. We were pleased to see OPC's update on the coordinated aquaculture principles at their February meeting.

We continue to voice our general support for the complementary efforts already undertaken by other state agencies including the California Coastal Commission's efforts to revise and update Coastal Development Permits (CDP) to include enforceable permit conditions and their development of a statewide CDP Permit Guidance. The Fish and Wildlife Department's Aquaculture Information Report² will also help inform OPC'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 OPC'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 safety.⁵ A coordinated effort is even more critical due to the changing climatic conditions and other ecosystem changes, including shorebird decline,⁶ 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 eelgrass⁷, and any large finfish facilities).

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 Nils Warnock, et al., Declining wintering shorebird populations at a temperate estuary in California: A 30-year perspective, Vol. 123, American Ornithological Society, February 10, 2021.

⁷ We appreciate the specific discussion of the importance of eelgrass, a foundational species, which begins on p. 28 of the CDP Application Guidance (CDP Guidance), December 2020, https://documents.coastal.ca.gov/assets/cdp/CDP%20Application%20Guidance_12.08.20.pdf

These types of aquaculture can cause damage to essential habitat, water quality, and public health when poorly sited and/or scaled, as well as contributing to 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 waste from concentrated production, and the disruption of sediments.

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 CDP Guidance.⁸

The development of OPC's aquaculture principles and state aquaculture action plan will be an essential tool to guide the continued growth of aquaculture in the state and work to ensure that harmful aquaculture practices are prevented. We support a continued hiatus on new aquaculture leases until such time that these principles are finalized to ensure consistency in future projects. Thank you for the consideration of our comments and for your continued dedication to the marine resources of our state.

Sincerely,

Ashley Eagle-Gibbs
Conservation Director
Environmental Action Committee of West Marin

Emily Parker
Coastal and Marine Scientist
Heal the Bay

Susan Jordan
Executive Director
California Coastal Protection Network

Cea Higgins
Executive Director
Coastwalk/California Coastal Trail Association

Catherine Kilduff
Senior Attorney
Center for Biological Diversity

Sylvia Wu
Senior Attorney
Center for Food Safety

Marcie Keever
Oceans & Vessels Program Director
Friends of the Earth

Irene Gutierrez
Senior Attorney, Oceans Team
Natural Resources Defense Council

Courtney S. Vail
Director of Strategic Campaigns
Oceanic Preservation Society

Patrick McDonough
Staff Attorney
San Diego Coastkeeper

⁸ CDP Guidance, p. 36