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Agenda Item F12a

Environmental Action Committee of West Marin

Chair Donne Brownsey
California Coastal Commission
455 Market Street, Suite 300
San Francisco, CA 94105
Via Electronic Delivery: EORFC@coastal.ca.gov

**Re: February 2022 Agenda Item Friday 12a - Application No. 9-21-0561
(Hog Island Oyster Company, Humboldt Co.)**

Dear Chair Brownsey,

The Environmental Action Committee of West Marin (EAC) submits the following comments regarding Agenda Item F12a - Application No. 9-21-0561 (Hog Island Oyster Company, Humboldt Co.). Our mission is to protect and sustain the unique lands, waters, and biodiversity of West Marin. As part of our coastal work, we provide oversight for aquaculture, with a focus on Tomales Bay, including commenting on Coastal Development Permit (CDP) amendments. While application No. 9-21-0561 is outside of our typical geographic focal area, we submit these comments to provide support for some of the strong permit conditions, which could serve as a precedent in other parts of the state.

In particular, we have witnessed the woefully inadequate escrow accounts managed by the Fish and Game Commission for California's aquaculture leases. In many cases, the accounts have limited or no funds. This leaves a concerning gap when operators cease to exist and clean-up is needed, as well as for compliance issues. While this performance bond may help, it would not likely cover the actual costs of significant compliance violations or a full site clean-up. For example, restoration and clean-up at Drakes Estero cost \$4 Million.¹

¹ 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>.

Special Condition 12 (Performance Bond of \$50,000) has the potential to begin to address this regulatory gap, as well as to provide compliance assurances. Throughout our oversight of Tomales Bay and leases statewide, we have witnessed several compliance issues and CDP violations. Pages 14-15 of the staff report reference some recent compliance issues in Tomales Bay related to Hog Island Oyster Company. We hope that Special Condition 12 will help to incentivize timely permit compliance.

There is a precedent for this type of condition in other aquaculture permitting including conditions in the Ocean Rainforest consistency certification, Marine Bioenergy project, and the Catalina Sea Ranch project. These types of bonds have also been used in other types of permitting like oil and gas and fiber optics cables.

In closing, we are supportive of Special Condition 12, and we thank staff for their dedication to aquaculture compliance. Thank you for the consideration of our comments and for your careful oversight of our state's coastal resources.

Sincerely,



Morgan Patton
Executive Director



Ashley Eagle-Gibbs
Legal and Policy Director

cc: Amanda Cousart, California Coastal Commission
Cassidy Teufel, California Coastal Commission