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

Re. MRC Agenda Item 3: Aquaculture leasing in California – public interest determination

Dear President Sklar and Honorable Commissioners,

We, the undersigned organizations, have extensive experience in marine and aquaculture policy in the state of California. We have been supportive of the development of public interest aquaculture criteria before accepting any new leases including submitting extensive public comments including redline language, participating in all of the public meetings, and meeting with both Department of Fish and Wildlife (Department) and Fish and Game Commission (Commission) staff on this topic. Thank you for this opportunity to submit comments on Agenda Item 3: *Aquaculture leasing in California – public interest determination*.

We appreciate the Department and Commission's time and dedication to working on the criteria. Without having the chance to review the meeting documents, as they have not been published, we submit these initial comments. We also plan to participate at the March 14 Marine Resources Committee (MRC) meeting.

As our top priority, we emphasize the need for clear criteria that can serve as a pre-screening tool to ensure that new projects are appropriately sited, aiding in efficiency and cost savings for both the Department and the applicant. Of course, if rejected, the applicant will have the option of re-applying with a revised proposal, but this early pre-screening analysis and guidance will also aid in public transparency.

In the interest of finalizing the criteria as soon as possible, as was discussed at the November MRC meeting, we have included draft redline language, highlighting our continued priority

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concerns. This language was also submitted informally to Department and Commission staff on February 17th from Oceana and EAC. Regarding the eelgrass revisions, we would prefer that avoidance of eelgrass is added as a constraint or requirement. However, we have also included language under "Considerations" if this is not possible. As one additional point (not included in the redline), we recommend that the criteria reference the forthcoming Ocean Protection Council Aquaculture Action Plan. We suggest the MRC add the following consideration: "Is the proposal consistent with the California Aquaculture Action Plan?"

We remain hopeful that with some clarifications to avoid potential legal concerns, the MRC may be able to continue on the current path of finalizing the revised criteria at next week's meeting as originally envisioned, recommending action at the April Commission meeting. Perhaps some changes may be made to the preamble to avoid any potential legal concerns. We look forward to reviewing the meeting documents and participating in next week's meeting. Please do not hesitate to contact us with any questions. We would welcome the opportunity for additional dialogue on this topic.

Sincerely,

Ashley Eagle-Gibbs, Esq.
Legal and Policy Director
Environmental Action Committee of West Marin

Emily Parker, MAS
Coastal and Marine Scientist
Heal the Bay

Susan Jordan
Executive Director
California Coastal Protection Network

Geoff Shester, Ph.D.
California Campaign Director and Senior Scientist
Oceana

Chance Cutrano
Director of Programs
Resource Renewal Institute

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Barak Kamelgard

Senior Attorney

Los Angeles Waterkeeper

Enclosure

cc: Susan Ashcraft, Senior Environmental Scientist and Marine Advisor, California Fish and Game Commission
Sara Briley, Environmental Scientist, California Department of Fish and Wildlife
Randy Lovell, State Aquaculture Coordinator, California Department of Fish and Wildlife
Melissa A. Miller-Henson, Executive Director, California Fish and Game Commission
Kirsten Ramey, Senior Environmental Scientist Supervisor, California Department of Fish and Wildlife
Craig Shuman, Marine Region Manager, California Department of Fish and Wildlife