

Today's Item **Information** ☒ **Direction** □

- (A) Discuss best management practices (BMPs) planning for existing lease areas and scope of future rulemaking
- (B) Discuss planning for and consideration of applications for new leases

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| <p>(A)</p> <ul style="list-style-type: none"> • Aquaculture leases/debris public meeting • Discussed possible BMPs • FGC supported BMP rulemaking approach • MRC discussed aquaculture debris • Aquaculture lease BMPs public meeting • Today's update on BMP development | <p>Aug 2015; public meeting, Marshall Feb 10-11, 2016; FGC, Sacramento Jun 22-23, 2016; FGC, Bakersfield July 21, 2016; MRC, Petaluma Jul 17, 2017; public meeting, Marshall Jul 20, 2017; MRC, Santa Rosa</p> |
| <p>(B)</p> <ul style="list-style-type: none"> • FGC referred topic to MRC • Today's discussion on new leases | <p>Jun 21-22, 2017; Smith River Jul 20, 2017; MRC, Santa Rosa</p> |

FGC has the authority to lease state water bottoms to any person for the purpose of conducting aquaculture in marine waters of the state under terms agreed upon between FGC and the lessee pursuant to Sections 15400 and 15405, Fish and Game Code. While general regulations governing all aquaculture leases were established in Section 237, Title 14, California Code of Regulations, terms are established for individual state water bottom lease areas in a lease agreement. A lease template approved by FGC in 2011 provides a consistent set of lease terms and conditions, with a provision for special conditions to be established specific to an individual lease area. Currently, there are 15 active state water bottom leases for aquaculture in estuarine environments from Tomales Bay to Morro Bay, plus 2 open coast leases near Santa Barbara.

There has been an increase in public attention focused on (1) shellfish aquaculture practices and stewardship, particularly related to marine debris and certain other practices associated with aquaculture leases within state waters, and (2) siting considerations (e.g., environmental and other human uses) for potential new lease areas. Today provides an update on continuing efforts related to management practices on existing lease areas, and an initial discussion related to planning for possible new lease areas in the future, a topic referred to MRC by FGC in Jun.

- (A) **Existing leases and BMPs:** In early 2015, public comments to FGC requesting greater accountability from lease holders for aquaculture-related debris led DFW and FGC to host a public meeting to explore the topic with stakeholders, regulatory agencies, and shellfish

COMMITTEE STAFF SUMMARY FOR JULY 20, 2017

growers. At the Feb 2016 FGC meeting, staff proposed options to establish a requirement for BMPs unique to each state water bottom lease area (see Feb staff summary in Exhibit A1). FGC ultimately gave direction to pursue a regulatory approach and DFW staff agreed to work with FGC staff, growers, and the public to cooperatively develop categories for best management practices. Today DFW staff will report out on the first public meeting held on Jul 17, 2017 in Marshall, near Tomales Bay (see Exhibit A2), and describe next steps for public engagement.

- (B) **New leases:** Persons wishing to lease a state water bottom for aquaculture are required to make a written application to FGC (Fish and Game Code Section 15403). FGC has not approved a new lease in over 25 years. However, interest in further developing the industry continues to grow, and its value is recognized by the California State Legislature (Exhibit B1). In Feb 2017, FGC received an application for a new lease in Tomales Bay; in addition, an application for new aquaculture lease plots offshore Ventura is being developed. The public has requested to provide input on what information FGC may need to consider before making any determinations to approve new state water bottom lease applications; FGC has referred this topic to MRC for an initial discussion today.

Significant Public Comments

- Comments on item 7A supporting formal aquaculture BMPs that are mandatory, legally binding and adequately enforced, coupled with an inspection and monitoring program. Recommendation that BMPs be enacted before considering new aquaculture leases, and a list of ten proposed BMPs. See exhibits A3 and A4.

Recommendation (N/A)

Exhibits

- A1. [Staff summary from Feb 2016 FGC meeting](#)
- A2. [Agenda, location map, and DFW background document for BMP public meeting on Jul 17, 2017](#)
- A3. [Email from Ashley Eagle-Gibbs, Esq., Environmental Action Committee of West Marin, received Jul 7, 2017](#)
- A4. [Email from Richard James, received Jul 7, 2017](#)
- B1. [Bill text for Assembly Joint Resolution 43, adopted Aug 21, 2014](#)

Committee Direction/Recommendation (N/A)

STAFF SUMMARY FOR FEBRUARY 10-11, 2016

7. AQUACULTURE LEASE TEMPLATE**Today's Item****Information** ☒**Action** ☐

Originally scheduled to receive and approve addition to aquaculture lease template for state water bottom leases related to best management practices. Since legal review is still underway, this item now provides an update.

Summary of Previous/Future Actions (N/A)**Background**

FGC has the authority to lease state water bottoms to any person for the purpose of conducting aquaculture in marine waters of the state under terms agreed upon between FGC and the lessee pursuant to Sections 15400 and 15405, Fish and Game Code. In 2011, FGC approved a new state water bottom lease template that provides a consistent set of lease terms and conditions, with a provision for special conditions to be established specific to an individual lease area.

Since that time, there has been an increase in public attention focused on shellfish aquaculture practices and stewardship, particularly related to marine debris associated with aquaculture leases within bays and estuaries. FGC has received several public requests to hold aquaculture lease holders accountable for debris associated with their operations. In response, DFW and FGC staff hosted a public meeting in Aug 2015 to provide an opportunity for dialogue between stakeholders, regulatory agencies, and shellfish growers. One of the key topics of discussion focused on best management practices (BMPs) for shellfish aquaculture.

Shellfish aquaculture BMPs are a set of procedures that can be voluntary or mandatory, to address areas where attention should be focused to sustain acceptable production levels in concert with promoting sound environmental practices that avoid impact to marine environment. BMP categories may cover site use, "good neighbor" policies, environmental stewardship, monitoring and record-keeping, etc. Several growers with current leases in California have expressed a willingness to formalize BMPs that are beneficial and compatible with their lease operations.

FGC and DFW staff have discussed options for FGC consideration. Two references provide examples: Requirement of BMPs for marine finfish aquaculture leases (Fish and Game Code Section 15400(4)), and the requirement of kelp harvest plans for kelp bed leases using mechanical harvest (sections 165 and 165.5, Title 14, CCR). Both cases require the lessee or harvester to develop BMPs or plans for each lease site to be approved by FGC, and identify the categories that shall be included in the plans. Similarly, in the case of shellfish lease areas, the best practices for any grower would appropriately be tailored to site-specific circumstances, methods, and environmental considerations.

Staff recommends, and is in the process of working with legal counsel from both DFW and FGC to determine the best mechanism for, establishing a requirement that each lessee develop BMPs for each lease area for FGC review and approval. Potential mechanisms

STAFF SUMMARY FOR FEBRUARY 10-11, 2016

include a new lease condition in the lease template or a new regulation to apply to all current and future lease holders. Staff anticipates resolution on the approach in the near future.

Significant Public Comments (N/A)**Recommendation**

FGC staff: Delay action on this item until staff has identified a recommended approach to establishing a requirement for lease-specific BMPs.

DFW: Supports new requirement in concept, and commits to work with FGC staff on further development.

Exhibits (N/A)**Motion/Direction (N/A)**



California Fish and Game Commission
1416 Ninth Street, Room 1320
Sacramento, CA 95814

STATE OF CALIFORNIA
EDMUND G. BROWN JR., GOVERNOR

NATURAL RESOURCES AGENCY



California Department of Fish and Wildlife
1416 Ninth Street, 12th Floor
Sacramento, CA 95814

**Shellfish Aquaculture Best Management Practices
Stakeholder Discussion
Meeting Agenda
July 17, 2017, 1:00 – 3:00 PM**

**Marconi Conference Center –
ATTENTION: Room Correction
Now at BUCK HALL
(not McCargo Room)
18500 Shoreline Highway (SR 1), Marshall, CA**

This meeting may be audio-recorded

Meeting Goals

- Communicate intent of a rulemaking for shellfish aquaculture best management practices
- Understand the state's rulemaking process and opportunities for public engagement
- Best management practices categories discussion and feedback

1. Welcome

- (A) Introductions and ground rules
- (B) Statement of meeting goals

2. Overview of background and milestones

(see meeting materials for more detailed background information)

3. Staff overview of the State rulemaking process

4. Best management practices (BMPs)

- (A) Regulatory approach
- (B) Developing BMP categories
- (C) Group discussion about BMP categories

Adjourn

Marconi Conference Center

State Historic Park



Legend

| | | | |
|--|----------------------------|--|--------------------|
| | Major Road | | Park Building |
| | Paved Road | | Accessible Feature |
| | Unpaved/Service Road | | Parking |
| | Trail: Hike | | Restrooms |
| | Accessible Pedestrian Path | | Viewpoint |
| | Intermittent Stream | | |
| | Historic Building | | |

© 2014 California State Parks

Scope of Meeting Today

- Understand the intent of this rulemaking
- Best Management Practice (BMP) categories discussed
- Accountability, Enforceability, and Funding – necessity, challenges, and metrics: briefly discuss
- Understand the rulemaking process and opportunities for future engagement

Background

State Code and Regulations

The Legislature declared in Public Resources Code section 826 that it is in the interest of the people of California to encourage the practice of aquaculture. It is also the policy of the Fish and Game Commission (Commission) to encourage the conservation, maintenance, and utilization of the living resources of the ocean and state waters for the benefit of all citizens of the state, including the development of commercial aquaculture (Fish & Game Code section 1700). As recently as 2014, the Legislature resolved unanimously in both houses its support for access to additional acreage for shellfish farming and restoration, and an improved permitting process that is efficient and economical (Assembly Joint Resolution 43, Chesbro 2014).

(<http://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=106688>)

State law authorizes the California Fish and Game Commission to lease State water bottoms or the water column to any person for aquaculture, if such a lease is in the public interest, determined in a public hearing that is conducted in a fair and transparent manner, with notice and comment, and in accordance with Commission procedures. State law provides authority to the Commission to adopt regulations governing terms of the leases. A comprehensive explanation of specific state laws and regulations pertaining to aquaculture leases and their administration can be found in the Department's Information Leaflet, "*Regulations Governing Leasing of State Water Bottoms for Aquaculture*" available online.

(<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=27450&inline>)

In particular, the administration of State Water Bottom Leases for aquaculture follows Fish & Game Code (FGCode) §15400 and Title 14 California Code of Regulations (CCR) §237. Although language in FGCode §15400 requires that a lessee of a marine finfish aquaculture site establish Best Management Practices, the same requirement is not explicitly delineated in code or regulations for shellfish aquaculture leases.

Aquaculture Lease Oversight

There has been an increase in public attention focused on shellfish aquaculture practices and stewardship, particularly related to marine debris and certain other practices associated with aquaculture leases within state waters. Although FGCode §15409 requires leaseholders to return a lease site to its original condition upon lease termination, ensuring that leaseholders conform to certain environmental standards and operational practices during the course of operating the lease relies on the language and conditions contained in each individual lease agreement, which may vary in its content. Although the Commission adopted a new, standardized lease template for use on subsequent renewals, amendments, and new leases, some leases are midway through their terms and may not be subject to revision until the term expires.

For example, the species and methods approved by the Department and Commission for cultivation have traditionally been delineated within the terms of each lease, meaning that the Commission (as Lessor) must amend the lease in order to allow different species to be cultivated or culture method to be changed. This creates an excessive administrative burden to be able to adaptively manage leases, and may restrict the adoption of methods

or species that may be an improvement to public trust resources in addition to the benefits for a leaseholder. By the same logic, incorporating BMPs into lease language adds to this administrative slowness, especially when there is likelihood that practices may merit amending as technology improves, ocean conditions change, or new concerns arise.

Best Management Practice Plans

A more practical alternative to amending lease conditions as a means to adaptively manage public trust (and State administrative) resources may be to require best management practice (BMP) Plans from shellfish aquaculturists that are reviewed and approved by the Commission on a regular cycle (e.g.: every 5± years). There is precedent for this approach in the Commission's regulatory oversight of kelp harvests (e.g.: Kelp Harvest Plans, sections 165 and 165.5, Title 14, CCR) and in the aforementioned statutory language in Fish and Game Code [section 15400(b)(4)] that pertains to marine finfish leases that may be issued in the future.

Shellfish aquaculture BMPs focus attention on both sustaining acceptable operations and production levels, as well as promoting sound environmental practices that avoid impact to the marine environment. BMP categories may be broadly defined by regulation to ensure that proposed BMP Plans across the diversity of shellfish operations throughout the state address primary concerns. Such categories to be incorporated into these Plans might include: gear design/maintenance/operation, "good neighbor" policies, environmental stewardship, staff training & awareness, and biosecurity measures, among others. BMPs that are developed by leaseholders, and reviewed and approved by the Department of Fish and Wildlife and the Commission should ensure buy-in from the lease operators, and allow for more nimble and efficient oversight by the State. The open, public meetings of the Commission also provide a more transparent means to address public stakeholder concerns. Several growers with current leases in California have expressed a willingness to formalize BMPs that are beneficial and compatible with their lease operations. There are many existing examples of BMPs which have been incorporated into Environmental Codes of Practice or Third-Party Certification Standards. Some of these existing BMPs have been adopted by other states, countries, and grower organizations. These products have been helpful in informing this rulemaking approach, and constitute the core themes within the suggested categories for discussion in this meeting.

It is important to recognize that shellfish aquaculture is not practiced uniformly in all locations throughout California, for a variety of reasons. Although bays and estuaries have historically been and continue to be important locations for shellfish culture, offshore sites (in deeper water) show great potential as well. Consequently, the outreach to stakeholders for this potential rulemaking is not limited to one part of the State and will be continued until a broad range of considerations are heard and incorporated into a rulemaking proposal. At least one other public stakeholder meeting will be scheduled in Southern California at a future date and location that has not yet been determined, but will likely happen in Fall 2017, prior to formally starting the rulemaking process. (A brief presentation of the rulemaking process will be provided during the meeting, and is not included here.)

Rulemaking Process to Date

Commission and Department staffs have discussed regulatory approaches to requiring Best Management Practices (BMP's) on state water bottom leases for shellfish aquaculture since the matter was highlighted at the April 8th, 2015 Commission meeting. An internal working group was formed soonafter with perspectives representing the legal, regulations, enforcement, and aquaculture disciplines included. Through changes in Commission and staff makeup (including the replacement of two commissioners and other staff leadership and legal counsel changes), progress in maintaining the discussion has been intermittent, but forward-moving.

Ultimately, a review of options was considered to incorporate a BMP requirement either: a) into the terms of each individual lease, or b) through a new regulation requiring the submittal of BMP's covering specific BMP categories

that would be subject to review and approval by the Commission. These options were presented by both Commission and Department staff at the February 10th, 2016 Commission meeting with a consensus from this working group that a rulemaking approach had numerous advantages, including:

- the speed and efficiency of implementation across shellfish operations (conversely, leases can only be changed when created, renewed, or amended, and must be processed with more involvement individually and across other agencies);
- the ability to set clear categories, standards or guidelines for shellfish aquaculture BMP's without being overly prescriptive;
- the ability to establish a requirement for periodic updates and reviews for all approved plans;
- a resulting flexibility to adaptively manage over time and by location throughout the State; and
- by way of the Commission's open meeting process, providing a mechanism for continued stakeholder input.

The Commission concurred and directed staff (at that Feb 2016 mtg) to continue along the path toward a rulemaking approach. In January 2017, a regulatory change concept was proposed and has been considered for the Commission's regulatory calendar. A formal rulemaking would be triggered by an Initial Statement of Reasons (ISOR) for a regulation change; a step that has not been started, and is to be informed by the outcomes of public stakeholder sessions such as this. In addition, Commission and Department staff recognizes a larger collection of lease oversight and administrative upgrades are necessary and are working to address them as needed. The immediate need for BMPs will be the focus of these meetings.

In addition to the internal working group's efforts, shellfish grower/leaseholders in Tomales Bay first convened a meeting of their own in early May 2016, inviting the State Aquaculture Coordinator to participate. They reviewed and discussed further revisions to a draft list of BMPs that were previously submitted to the Commission in April 2015. The growers expressed general support for the development of BMP requirements, and a commitment to abide by them, and refined their plans for cleanup efforts both within their leases and across all of Tomales Bay. They would continue to refine their lists of practices individually and collectively, and requested Department staff's help in keeping their efforts coordinated and proactive. A followup meeting of this group of Tomales Bay growers convened in December 2016, where, in addition to continued cleanup efforts, biosecurity and health management practices were discussed with the state's shellfish pathologist.

Categories

In reviewing various management practices that have been proposed as "best", it is obvious that one list will never apply effectively to all shellfish growers throughout the state. It is also apparent that there are certain common themes that emerge from such lists. The primary goal of this meeting is to focus on these themes, which aim to result in certain outcomes coming from adherence to practices by growers. For instance, rather than require a BMP that says "all oyster bags must be made only this way", a desired outcome could "require the use of designs that eliminate or greatly reduce the incidence of the bag falling apart or getting away from its installed location". How it accomplishes the desired outcome is subject to the specific operational needs of the farm, the circumstances of the location, available design technology & innovations, and cost-benefit considerations. Growers would commit to the practices they will adopt in order to achieve the State's desired or required outcomes. How the grower accomplishes this is something that we should expect will evolve with innovations, technology, and better understanding – and the State be adaptive in its management.

The main question to address in this effort is:

"What does success look like, in terms of outcomes we'd all like to see from the adherence to best management practices, in light of what is practical and achievable within the business enterprises of commercial shellfish aquaculture, that are operated in public waters - held by the regulating agencies in the public trust?"

Below is a draft list of BMP categories prepared by Department of Fish and Wildlife staff for consideration by meeting attendees:

DRAFT BMP Categories – starting point for discussion

Robust designs and siting

meant to withstand elements and prevent litter
continual improvements, reduce use of single-use materials (eg: zip-ties)

Operational discipline

winter conditions prep
removal of unsuccessful/derelict gear and materials
operational tidiness & discipline

Training & staff oversight

regular self-patrolling

Biosecurity & disease/AIS prevention considerations

fouling protocols

Sensitive environments and protected species interactions

entanglement avoidance
eelgrass & wildlife buffers and interactions
vessel & equipment use (boats & vehicles)



July 7, 2017

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California Fish and Game Commission
Attention: Marine Resources Committee
1416 Ninth Street, Room 1320
Sacramento, CA 95814
Via electronic mail: fgc@fgc.ca.gov

Re: EAC Comments re. marine state water bottom leases for purposes of aquaculture, Marine Resources Committee Agenda Item #7

Dear Commissioners:

The Environmental Action Committee of West Marin (EAC) was established in 1971 and is based in Point Reyes Station. EAC is an environmental advocacy group, which focuses on environmental issues in West Marin. Since 2015, EAC has advocated to the Commission for the formalization of aquaculture Best Management Practices (BMPs) for Tomales Bay.

For illustration, EAC first introduced draft BMPs for aquaculture growers to the Commission on April 8, 2015. At this meeting, the Commission expressed concern over the marine debris issues and expressed its willingness to actively work with groups like EAC. At the December 9, 2015 Commission meeting, Amanda Winchell, California Coastal Policy Coordinator for the Surfrider Foundation, testified on behalf of EAC in support of aquaculture BMPs. In our June 21, 2016 letter to the Commission, we expressed concerns regarding a lease renewal, because BMPs were not yet in place, as is required by Fish & Game Code Section 15400(b)(4). At the February 9, 2017 Commission meeting, EAC submitted written comments, as well as provided testimony regarding the formalization of aquaculture BMPs for Tomales Bay. On March 10, 2017, EAC reiterated the importance of aquaculture BMPs in its letter to the Commission.

EAC commends the Commission and Randy Lovell of Department of Fish & Wildlife for scheduling a Shellfish Aquaculture Best Management Practices meeting for July 17, 2017. EAC looks forward to

participating in this public and collaborative meeting. We hope that this meeting will be the first of many meetings involved in developing and finalizing formal and enforceable BMPs.

We are also eager to participate in the Marine Resources Committee (MRC) meeting on July 20, 2017, which closely follows the Shellfish Aquaculture BMP meeting. On July 20th, the MRC will discuss BMP planning for existing lease areas and the scope of future rulemaking (Agenda Item 7.A). Regarding Agenda Item 7.A., EAC is aware that multiple drafts of BMPs have been presented to the Commission by EAC, the aquaculture industry, and Richard James, many of which are in the public record.¹

EAC hopes that through the discussions on July 17th and July 20th, as well as future discussions, the relevant stakeholders and agencies can come to agreement on a final list of BMPs for adoption in a formal rulemaking process, which shall include notice and comment.

However, for these BMPs to be effective, EAC recommends that the BMPs are both mandatory and legally binding. Furthermore, EAC recommends that the BMPs be coupled with an inspection and monitoring program, as well as adequate enforcement by the Department of Fish and Wildlife or another appropriate entity.

Regarding Item 7.B., EAC reiterates its concerns with the proposed Robert Brodsky lease, which EAC presented on February 9, 2017. It is EAC's position that aquaculture BMPs should be formalized prior to the designation of any new leases on Tomales Bay. Tomales Bay already suffers from legacy marine debris issues, and the current aquaculture escrow system is extremely limited and should be revised.

Thank you for your work on this important issue and your consideration of these comments. We hope that Tomales Bay aquaculture can be a leader in the industry for sustainable practices.

Respectfully,



Ashley Eagle-Gibbs
Conservation Director

cc:

Susan Ashcraft, Marine Advisor, Fish and Game Commission
Kirsten Ramey, Marine Aquaculture Coordinator, Department of Fish & Wildlife
Randy Lovell, State Aquaculture Coordinator, Department of Fish & Wildlife

¹ For example, *see* BMP list presented by EAC in person at the April 8, 2015 Commission hearing. *See also* page 89 of the June 2016 Fish and Game Commission Staff Report for Agenda Item 9 (Exhibit 7 to staff report). Mr. Strain's email states: "you will find a copy of the Best Management Practices for Marine Debris adopted by the Tomales Bay Shellfish Growers...." *See also* Richard James July 7, 2017 letter to the Commission.

Proposed Best Management Practices (BMPs) for Tomales Bay Shellfish Farmers

Submitted by Richard James for the 20 July, 2017 MRC meeting in Santa Rosa
7 July, 2017

These BMPs shall be an integral part of each lease. The practices shall be mandatory practices meant to ensure Tomales Bay and the ocean in general is kept free of lost plastic and other debris from aquaculture operations.

To have the intended effect of reducing litter in Tomales Bay attributed to aquaculture, it is imperative that these practices be adequately and regularly enforced.

1. Growers shall uniquely and clearly identify all of their gear with company name and phone number. Possible means of uniquely marking gear include: unique colors of bags, wires, PVC pipes, rope, and "branding info into gear."
2. Growers shall train all employees in concepts of Leave No Trace, see <http://LNT.org>, or similar training about environmental stewardship.
3. Growers shall continually improve gear and methods in a quest for zero loss of gear.
4. Growers shall replace single use items (i.e. zip-ties, copper wires) with more durable items such as stainless halibut clips.
5. Growers shall NOT use floats that are easily degraded by ultraviolet rays or pecked by birds in search of food.
6. Growers shall securely tie large groups of non-floating bags together when deploying bags for future securing to anchor lines to ensure they do not drift.
7. Growers shall remove tools each day after working on lease areas, including: fencepost drivers, gloves, water bottles, PVC pipes, wires, and ropes.
8. Growers shall promptly (within 60 days) remove culture structures and other items comprising a method that did not work as desired or is no longer used.
9. Growers shall patrol lease areas and the shores of Tomales Bay on a bi-monthly basis, twice monthly during windy or heavy surf times. Patrols must occur at both high and low tides to ensure gear buried in the mud is promptly collected.
10. Growers shall uniquely and clearly identify all of their boats and barges. Boats should be clearly identifiable with binoculars from a distance of 1 mile. Unique color, large letter and/or number or combinations of these may work.

To support item 10 above, the below images show boats used by various growers. Notice how many of the boats look identical, (24' white-ish skiff with Yamaha motor)





Below are some of the same boats from above with suggested ID method to allow distant observers to know which grower a particular boat belongs to.





Assembly Joint Resolution No. 43

RESOLUTION CHAPTER 123

Assembly Joint Resolution No. 43—Relative to California shellfish.

[Filed with Secretary of State August 21, 2014.]

LEGISLATIVE COUNSEL'S DIGEST

AJR 43, Chesbro. California shellfish.

This measure would state that the Legislature supports ensuring a clean and healthy marine environment to protect existing shellfish beds and access to additional acreage for shellfish farming and restoration, and further supports a dialogue between industry, environmental, and federal and state agency leaders to develop an improved permitting process that is efficient and economical for both shellfish restoration and commercial farming.

WHEREAS, The California Shellfish Initiative (Initiative) is a collaborative effort of growers, regulators, nongovernmental organizations, and scientists to restore and expand California's shellfish resources, including oysters, mussels, clams, abalone, and scallops; and

WHEREAS, The Initiative's goals are to protect and enhance our marine habitats, foster environmental quality, increase jobs, encourage interagency coordination and communication, and strengthen coastal economies; and

WHEREAS, In California, over 90 percent of our seafood is imported and over 60 percent of our shellfish are supplied, mostly by air transport, from other states; and

WHEREAS, Many coastal communities with estuarine resources and working waterfronts are working to measure and predict how changing socioeconomic and environmental factors, including climate change, will affect their future; and

WHEREAS, These communities seek a balance between protecting and restoring their marine and estuarine habitats while also maintaining a local economy. These communities could greatly benefit from a coordinated effort to promote sustainable shellfish aquaculture production in a manner that achieves both desired goals in conformance with California's strong environmentally protective laws and policies; and

WHEREAS, California has an enormous opportunity to create living-wage jobs in coastal communities, improve water quality, and restore important ecosystem functions through expansion of sustainable shellfish farming and habitat restoration; and

WHEREAS, Public demand for local shellfish has risen dramatically in recent decades, and worldwide, demand for farmed seafood has never been greater, as global farmed aquaculture exceeded beef production for the first time in 2012; and

WHEREAS, California is the third largest shellfish consuming state in the United States, and state production meets less than half of this demand, contributing to a state and national seafood trade deficit and a lost opportunity for economic growth; and

WHEREAS, California could lead the nation to meet an ever growing shellfish demand while creating environmentally sustainable “blue jobs” in coastal communities; and

WHEREAS, California could increase competitiveness in the national and global aquaculture economy and encourage shellfish restoration projects while ensuring proper protection of its valued coastlines and estuaries; and

WHEREAS, A successful Initiative will engage coastal stakeholders in a comprehensive process to grow California’s \$25 million sustainable shellfish harvest, restore natural shellfish reefs, protect clean water, and enhance healthy watersheds, in conformance with California’s laws and policies; and

WHEREAS, The Initiative can utilize the state’s Geoportal and other state-of-the-art planning tools to involve the public and evaluate the opportunities and challenges for new shellfish operations and restoration areas along California’s coastal and offshore ocean waters. The Initiative supports the completion and approval of a Marine Aquaculture Programmatic Environmental Impact Report, currently being prepared by the Department of Fish and Wildlife, which will identify and address any environmental impacts of expanded shellfish production in the state; now, therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly, That the Legislature supports ensuring a clean and healthy marine environment to protect existing shellfish beds and access to additional acreage for shellfish farming and restoration, and further supports a dialogue between industry, environmental, and federal and state agency leaders to develop an improved permitting process that is efficient and economical for both shellfish restoration, and commercial farming; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to the President Pro Tempore of the United States Senate, and to each Senator and Representative from California in the Congress of the United States.