



Pacific Fishery Management Council

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Dorothy M. Lowman, Chair | Donald O. McIsaac, Executive Director

June X, 2015

Mr. Jack Crider
Chief Executive Officer
Humboldt Bay Harbor, Recreation, and Conservation District
P.O. Box 1030
Eureka, CA 95501

Dear Mr. Crider:

The Pacific Fishery Management Council (Council) wishes to provide comments and recommendations on the proposed Humboldt Bay Harbor District Mariculture Pre-Permitting Project (Pre-Permitting Project) and the Coast Seafoods Expansion Project (Expansion Project). The Council's meeting schedule did not enable us to provide comments during the official comment period for the draft Environmental Impact Report (DEIR) for the Pre-Permitting Project. Also, we understand Coast Seafoods will be preparing a DEIR for the Expansion Project, with a Notice of Preparation to be released soon, and submitting state and federal permit applications in the near future. We request you address our comments and concerns for both proposed Projects.

The Council was established by the Magnuson-Stevens Fishery Conservation and Management Act of 1976 (MSA), and has jurisdiction over more than 119 fish species in Federal waters off Washington, Oregon, and California. The MSA charges the Council (and National Marine Fisheries Service [NMFS]) to protect the habitat these fish depend on during all stages of their life cycle, and includes provisions to identify, conserve, and enhance essential fish habitat (EFH) for those managed species.

The MSA requires Federal agencies (in this case the Army Corps of Engineers) to consult with NMFS on all proposed actions that may adversely affect EFH (MSA §305(b)(2)). The Council is also authorized under the MSA to comment on and make recommendations to Federal agencies regarding EFH protection. Furthermore, for activities that the Council believes are likely to substantially affect the habitat of the salmon fishery, the Council is obligated to provide comments and recommendations (MSA §305(b)(3)).

The estuarine habitats of Humboldt Bay are EFH for Council-managed species of salmon, groundfish and coastal pelagic stocks. EFH includes habitats important for spawning, rearing, and feeding. Additionally, estuaries and eelgrass are designated as habitat areas of particular concern (HAPC) for salmon and groundfish; this special designation within EFH includes habitats that are sensitive, rare or vulnerable, and that may require additional protection. The HAPC designation requires greater scrutiny of actions that may damage these sensitive habitats.

The Council is concerned about the effects of these projects individually, and cumulatively, on EFH. In particular, we are concerned about the projects' impact on Pacific herring, an important prey species of salmon and groundfish. According to California Sea Grant, Humboldt Bay contains about 5600 acres of eelgrass, estimated to be approximately 50% of the state's total eelgrass. Humboldt Bay is also the third largest spawning site for Pacific herring in California, and eelgrass is the preferred substrate for spawning.

Currently, there are about 400 acres of shellfish mariculture in North Humboldt Bay. The two proposals include the continuance of 296 acres of existing mariculture by Coast Seafoods, and the expansion of aquaculture into an additional 1,149 acres of intertidal habitat, of which 952 acres are eelgrass. The proposals encompass approximately 17% of eelgrass in Humboldt Bay, including the most important Pacific herring spawning location in the bay, the East Bay Management Area. The cumulative impacts of both projects' proposed longline, rack and bag, and other culture methods could profoundly damage eelgrass habitat and its ecological role in the estuarine ecosystem.

Earlier research conducted in Humboldt Bay and other west coast estuaries has demonstrated that commercial shellfish mariculture activities can result in decreased spatial cover and densities of eelgrass. The different types of mariculture growing techniques and oyster cultivation densities contribute to variability in the levels of physical and ecological disturbance to eelgrass beds and the soft-sediment estuarine habitats.

The Council agrees with and does not intend to duplicate the extensive comments that both California Department of Fish and Wildlife and NMFS provided concerning gaps in the project description and analyses in the DEIR and draft Initial Study for the Pre-Permitting Project and Expansion Project, respectively. However, we are particularly concerned that the proposed projects do not demonstrate how they will avoid adverse impacts on eelgrass, as is the first obligation of any permit applicant, according to both state and federal eelgrass policies. Without such avoidance, there will be unnecessary impacts on EFH and, in particular, the eelgrass HAPC.

NMFS' California Eelgrass Mitigation Policy recommends no net loss of eelgrass habitat functions in California. (November 7, 2014, 79 FR 66360). The Council's Pacific Coast Salmon Fishery Management Plan specifically recommends that new or expanded aquaculture farms implement 25-30 foot buffers from existing native eelgrass beds to avoid and minimize impacts to eelgrass (Appendix A, Pacific Coast Salmon Fishery Management Plan 2014). The Council recommends implementing the recommendations in the NMFS Eelgrass Mitigation Policy as well as the Council's salmon fishery management plan to avoid unnecessary impacts to EFH.

Shellfish habitat functions are not functionally equivalent to that of eelgrass habitat. The role of eelgrass in the food chain, including serving as spawning substrate for Pacific herring, is not replicated by cultured oysters. Shellfish do not provide the same function as eelgrass in exporting biomass into the estuarine food chain and in sequestering carbon into sediments. Shellfish filter plankton and organic matter from the water column and do not incorporate nutrients in the same way or to the same extent as eelgrass. The Council is concerned about the cumulative extent of water filtering by the mariculture operations and the loss of ecosystem services provided by eelgrass to the food web that supports our managed fishes.

Additionally, the impacts on managed fish from sedimentation changes under culture operations have not been analyzed; nor have disturbances caused by oyster culture operations (e.g., propeller wash, trampling, human disturbance) in the DEIR or draft Initial Study.

In summary, the burden of proof is on the applicant to provide sufficient information that not only describes and quantifies the various potential impacts to estuarine resources, but provides mitigation measures to restore the loss of those essential habitats.

Thank you for considering these comments during further development of the Pre-Permitting Project and Expansion Project. We look forward to reviewing any new or pertinent studies or project modifications that would address project impacts on the EFH of Council-managed species (salmon, groundfish, and coastal pelagic species). Without substantial changes to both project descriptions to avoid eelgrass areas and new studies that specifically address impacts to our fisheries, the Council does not support the Pre-Permitting Project or the Expansion Project.

Sincerely,

D.O. McIsaac, Ph.D.
Executive Director