

VENTURA SHELLFISH ENTERPRISE
VENTURA PORT DISTRICT – APPLICATION # SPL-2017-00093-BLR
SUB-PERMITTING PROPOSAL

Through its application to the Army Corps of Engineers (Corps), the Ventura Port District (VPD) seeks to permit twenty 100-acre plots in federal waters off the coast of Ventura for longline mussel aquaculture. Upon acquiring a Corps permit and all other necessary governmental approvals, VPD proposes to then engage in a public process to solicit applications and sub-permit the plots to mussel growers.

VPD is proposing this unique approach to aquaculture for several reasons. First, the cost of obtaining the necessary permits for an aquaculture farm in California is extraordinarily expensive compared to other states, even for projects located in federal waters. This is in addition to operational costs and delays between initiating growing operations and a grower's first sales, which also impact the financial viability of aquaculture projects. Therefore, a key goal of the project is to facilitate a project site that can include a diverse group of growers, including smaller growers that may otherwise be precluded from entering the industry due to the upfront regulatory permitting and other costs incurred prior to establishing a working farm.

VPD also seeks to establish a partnership with the National Oceanic and Atmospheric Administration (NOAA) and the Corps to share the responsibilities associated with monitoring, oversight, enforcement, and overall management of the project site. VPD enthusiastically supports expansion of shellfish aquaculture to provide another stable and consistent fishery for its port, providing revenue necessary to maintain the Port's harbor dredging program, which is needed for all Port users (including VPD's commercial fishing industry). VPD will provide local, on-ground oversight of the project to co-manage compliance of the operation with the Corps. VPD's expectation is that this will ease the Corps' workload associated with management and oversight, while allowing more consistent and frequent supervision of project operations, given VPD's proximity to the project site and more limited regulatory focus.

The ultimate goal of VPD's proposal is for VPD to retain partial oversight and control over the Ventura Shellfish Enterprise project, while delegating responsibility for compliance with the operational conditions associated with the project to individual mussel growers. As noted below, the proposed framework would still provide for the Corps to approve the individual mussel growers; such approval would be provided if the grower's proposed operation complies with all terms and conditions of the project permit and the proposed farm is substantially similar to the overall VSE project approved by the Corps and is consistent with the consistency certification approved by the California Coastal Commission. The below proposal is based upon a permitting framework approved by the Corps in partnership with the Arizona State Land Department associated with the Paradise Ridge Development (Permit No. 1999-16129).

Proposal

1. VPD will process all entitlements permit applications for the entire project, including its Corps permit application, associated EA and/or EIS, and Coastal Commission consistency certification. VPD will be the named permittee on such permits and will remain the named permittee on such permits during the permit term.
2. Upon receiving permit approval, VPD will solicit applications for mussel farm operators to obtain sub-permits and operate within a designated portion of the permitted area. Prior to consideration of such applications, VPD will undertake public outreach to identify prospective mussel growers and develop qualitative and quantitative criteria to evaluate the applications. The criteria will be focused on ensuring that sub-permittees will be responsible and successful operators of aquaculture farms within the permitted area.
3. Each applicant must submit to VPD an application with (1) a map that identifies the proposed area that it seeks to farm within the overall project area, (2) a project description, (3) the proposed timing associated with installation of structures and commencement of operations, and (4) any additional information required by VPD that is responsive to the qualitative and quantitative criteria listed in the solicitation for applications, including financial information.
4. As a condition of each sub-permit (or permit transfer), the sub-permittee will be required to comply with all applicable conditions of the project entitlements, as well as any additional conditions imposed by VPD (provided that such additional conditions are consistent with, and no less stringent than, the conditions imposed by the Corps and Coastal Commission).
5. A grower's operation must be consistent with the project approved by the Coastal Commission and Corps. In the event that a grower's proposed operation is materially different than the approved project, the grower must first obtain VPD authorization to seek any required permit amendments prior to seeking approval from the Corps and Coastal Commission. VPD, as the master permit holder, reserves the right to deny any such proposed amendments. Under no circumstances will such an operation be allowed to commence until such required amendments are approved by the applicable agencies.
6. Upon approval by VPD, each sub-permit will be provided to the Corps for its review and approval. The Corps will approve each sub-permit within 60 days if the sub-permit complies with all master permit conditions and mitigation measures and is substantially similar to the overall project approved by the Corps and the Coastal Commission. The Corps and Coastal Commission retain full discretionary authority to review any proposed permit amendments.
7. Upon Corps review and approval, the sub-permittee shall sign the sub-permit, agreeing to comply with all terms and conditions of the permit. Upon such approval, VPD shall not be responsible for compliance with any permit terms and conditions identified in the sub-permit as exclusively the responsibility of the sub-permittee.

8. VPD shall collect information required by any project monitoring plans and transmit such information to the Corps for review as specified in the monitoring plans. VPD shall also cooperate with the Corps to supervise the site and coordinate any enforcement action with the Corps if any sub-permittees are determined to be out of compliance with permit conditions. The Corps retains full authority regarding any enforcement actions; however, as a public agency with a vested interest in the project, VPD proposes to work closely with the Corps to quickly address and cure any potential violations and/or terminate the sub-permits when warranted.