



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, LOS ANGELES DISTRICT
915 WILSHIRE BLVD. STE 930
LOS ANGELES, CALIFORNIA 90017

January 29, 2019

SUBJECT: Additional Information Request (SPL-2017-00093- BLR)

Oscar Peña
Ventura Port District
1603 Anchors Way Drive
Ventura, California 93001

Dear Mr. Peña:

I am responding to your request October 9, 2018 (Corps File No. SPL-2017-00093-BLR) for a Department of the Army permit for your proposed project, Ventura Shellfish Enterprise Aquaculture Project. In order to continue processing your request, I require additional information. Please re-submit your request along with this letter and the additional information requested within 30 days from the date of this letter. To facilitate a prompt permitting decision by the Corps, it is recommended all requested information be submitted as a single package and in digital format via electronic mail. Please note all submitted maps and drawings should follow the Final Map and Drawing Standards for the South Pacific Division (SPD) Regulatory Program, which can be found at <http://www.spd.usace.army.mil/Portals/13/docs/regulatory/standards/Standards.pdf>.

I reviewed your request for a Standard Individual Permit (SIP) for the Ventura Shellfish Enterprise project proposed in federal waters off the coast of Ventura (approximately 3.53 miles from shore), in waters depths between 80 -114 feet. The proposed project includes establishing 20 plot areas each 100 acres (total of 2,000 acres), installing a total of 960 sand anchors (48 per plot) to the seafloor with associated longlines (24 per plot) and corner surface buoys to identify the boundaries of each plot on the water surface. The project would take place in navigable waters of the United States, for the purpose of establishing a commercial aquaculture shellfish/bivalve operation for naturalized Mediterranean mussel (*Mytilus galloprovincialis*).

The project is being proposed by the Ventura Port District (VPD) with the plan to seek individual Growers/Producers who would install the anchor/long-line/buoy structures and operate within each plot. Settled mussel spat on ropes would be acquired and placed on longlines. Maintenance and inspection of longlines would occur monthly for at least the first two years. Mussels feed on phytoplankton which naturally occurs in the water. Harvesting would occur when mussels reach market size after about one year, and all plots in total are anticipated to produce between 9,000 and 11,000 tons of mussels per year. All harvesting, grading, and restocking of mussels on lines would occur via a specialized vessel.

1. Permit type pathway:

a. VPD is proposing to be the entity responsible for each Growers' compliance with their permit. However, Growers, who would operate plots, have not yet been identified. The Corps of Engineers is only able to issue permits to individuals, so we will need to coordinate closely in order to identify a permit and compliance structure we are able to authorize.

2. NEPA scope of analysis:

a. Federal/state waters: The proposed project only includes placement of structures in federal waters, which is an arbitrary boundary located three-miles offshore and beyond the state waters limit; the boundary of federal and state waters does not follow ecological features or considerations. You propose avoiding state waters because of anticipated potential interactions with one of two main halibut trawl fishing grounds, however, no supporting information is provided to substantiate this assertion. Please provide the background information to substantiate this claim, and describe why adjacent state waters were excluded from your siting analysis. In addition, the Corps requires the initial site screening analysis exclude arbitrary constraints, such as the number of miles from a port, and be expanded to include other closer and/or farther distances.

3. Project Description:

- a. Please reconcile whether you are proposing to use only hatchery sourced spat, or if you are also requesting permission to use farm grow-out line and buoy harvested spat, or both. Describe how farm spat would be acquired and the source(s).
- b. Explain why cultivation of the naturalized species, *Mytilus galloprovincialis*, is proposed instead of other species, such as *M. californianus* or *M. edulis*. Explain the rationale for selecting the proposed species.
- c. Please reconcile the role of academic researchers in this project. Research activities beyond the scope of your project description would not necessarily be authorized and may be required to obtain separate authorization. Ie. Additional structures or rigging could require separate authorization.
- d. Describe whether permanent buoy lights would be installed on the structures, as shown on figures, or not installed; the text and the exhibits are in conflict.
- e. Please describe any/all proposed operation of vessels at night.

f. Explain the rationale for the proposed project configuration which is designed as a square approximately 1.8 mile by 1.8 mile.

g. Describe the potential adverse effects or minimization measures for the proposed for design configuration for interactions with Essential Fish Habitat (EFH) and marine mammals.

4. NOAA Coastal Aquaculture Siting and Sustainability (CASS) Report siting analysis:

The Corps provided a response to NOAA's draft suitability siting analysis and its proposed weighted approach (2018), which is relevant to your proposed project.

a. For each of the siting criteria suitability figures, please provide the same maps but with the proposed project area overlaid onto each map.

b. For all future maps created, please also overlay bathymetric reference lines.

c. Provide a table or list of all the weighted values you assigned to each of the applicable factors for each suitability analysis. Provide the rationale for each assigned weighted value supported by references, data, and/or best professional judgment.

5. Effects to EFH:

a. Discuss the anticipated attracting effect the structures could have on non-mammal species (fish, birds, invertebrates, invasive species) including those animals expected to prey on mussels, and describe the interactions that could pose a risk to the attracted species or communities.

b. Pacific groundfish / trawl fisheries: The CASS Report Figure 6 shows trawl fishing density for the vicinity. Provide an assessment of the total impact the project would have on the trawl fishery by analyzing effects to the fishery as a whole, rather than solely those zones within the Area of Interest. Calculate the percent impact, and relative percent impact, to the fishery as a result of the project. Please calculate the same for other fisheries, such as California halibut and groundfish harvest.

c. Coastal Pelagic Species (CPS) fishery: The proposed project is located in and around an area with squid catch (CASS Report Figure 12). Provide an assessment of the total impact the project would have on the squid fishery by analyzing effects to the fishery as a whole, rather than solely those zones within the Area of Interest. Calculate the percent impact, and relative percent impact, to the fishery as a result of the project. Like you did for the trawl fishery, provide a map of the entire squid fishery block data, and not just those within the Area of

Interest. Calculate the percent impact, and relative percent impact, to the fishery a result of the project. Please also calculate the same for the other CPS fisheries, including sardine, mackerel, and anchovy.

d. Highly Migratory Species (HMS) fisheries: Provide an assessment of the impact the project would have on each HMS fisheries (ie. harpoon, drift-gill-net). Provide any available maps of the entire local HMS fishery and calculate the percent impact, and relative percent impact, to the fishery as a result of the project.

6. Endangered Species:

a. The following federally listed threatened or endangered species are known to occupy marine habitat in the region, but were not considered in your application. Provide an assessment of effects to the following species: Blue whale (*Balaenoptera musculus*), Northern Pacific right whale (*Eubalaena japonica*), Sei whale (*Balaenoptera borealis*), Southern resident killer whale (*Orcinus orca*), sperm whale (*Physeter macrocephalus*), Guadalupe fur seal (*Arctocephalus townsendi*), and Pacific leatherback sea turtle (*Dermochelys coriacea*).

7. Public Notice (PN):

Attached is a draft template of our Public Notice. If you like, please provide a draft PN for my consideration.

Provide a map showing adjacent property owners and relevant entities who are known to utilize the project area, or may utilize the project area.

Provide two sets of pre-printed labels with addresses. Include all relevant stakeholder groups, such as large commercial vessel operators, sport boat companies, companies utilizing shipping lanes, nearby academic marine institutes, Ports, nearby offshore oil platforms (Gail, Gilda, Grace), and Bureau of Ocean Energy Management (BOEM) & Bureau of Safety and Environmental Enforcement (BSEE) contacts.

8. Other information (not required for a complete application):

a. Alternatives:

We have considered your draft multi-part project purpose which includes stewarding and endorsing regional aquaculture among other goals, however we have determined the project purpose is instead commercial shellfish aquaculture, which will be used to determine a reasonable range of alternatives subject to review under the National Environmental Policy Act (NEPA).

Please submit alternatives and data for the below relevant criteria. Provide the data in table format, with an associated description, associated maps, and supporting references.

Criteria: Total acres of impacts, effects to navigation, effects to Pacific Groundfish Federal Management Plan (FMP) EFH, effects to CPS FMP EFH, effects to HMS EFH, effects to commercial fisheries (state and federal), effects to federally listed threatened and/or endangered species, effects to Marine Mammal Protection Act (MMPA) migratory habitat, effects to MMPA foraging habitat, effects to aesthetics.

As part of your alternatives analysis, if you wish to utilize project construction cost as a metric for comparing alternatives, you will need to provide associated detailed project cost budgets to support your claim. Economies of scale is not an appropriate metric for comparing and considering alternatives.

b. Public Interest Review:

Provide a draft public interest review for the 21 factors (see **attached** Environmental Assessment (EA) template).

c. Monitoring Plan:

Please submit a draft mitigation and monitoring plan, including proposed methods of data collection, processing, analysis, interpretation, and timing.

For purposes of workload management, your request will be withdrawn if I do not receive all the requested information within 30 days. If you have any questions, please contact me at (213) 452-3372 or via e-mail at Bonnie.L.Rogers@usace.army.mil.

Sincerely,

Bonnie L. Rogers
Senior Project Manager / Ecologist
L.A. and San Bernardino Section
North Coast Branch
Regulatory Division