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From: Laura McCue - NOAA Federal [<mailto:laura.mccue@noaa.gov>]

Sent: Tuesday, July 2, 2019 12:47 PM

To: Stevens, Theresa CIV USARMY CESPL (USA) <Theresa.Stevens@usace.army.mil>

Cc: Bryant Chesney - NOAA Federal <bryant.chesney@noaa.gov>

Subject: [Non-DoD Source] Ventura shellfish aquaculture ESA consultation response

Hi Theresa,

I have reviewed the consultation request letter and spoke to Bonnie about it briefly before she left. I need a little more information and clarification before I can officially start the consultation. Below are my initial concerns/questions.

1. There will be an increase in vessel traffic, especially once they are collecting the mussels. That is not really analyzed in the letter. I would also like to see monitors on the vessels.
2. Why would work occur at night? Can we require them to only work during the day? The chances of impacts to listed species at night increases.
3. The SB channel is 20 miles and project area is 2 miles wide. That's 10% of the channel, which seems large. It also seems to be in a bad location, being right there in the channel. There is also a concern about displacement of whales from the 2 mile project area, which may put them at an increased risk of ship strikes if they're in the shipping channels.
4. I need source level for sand screws, and they should be compared to the new acoustic guidance (not 180dB and 190dB). I need to analyze any acoustic impacts.
5. I think they're lacking in their monitoring measures. They will not be able to detect entanglements or interactions with the gear.
6. Inspecting the lines one time per month is not going to reduce the likelihood of entanglement, so it's not really a mitigation measure. I would suggest increasing the number of Inspection days to more than 1x/month.
7. Please clarify Ventura's timeline. So, for the first year, they're waiting for the mussels to grow, right? So they won't be harvesting them until year 2? And then how often will they be out in the plots once they start harvesting? Is Ventura planning on starting with 1 plot to see how it goes, or move forward with all 20 plots at once?
8. Can you provide more specific information on why or how these threats will or will not impact listed species? There are a lot of claims that impacts are "expected to be low" but no explanation as to why.
9. I would add the following DPS/species to your species list: Humpback whale Mexico DPS, gray whale wNPS, and Guadalupe fur seal (even though they are agile, there are interactions with fishing gear, so it is a potential. I would consider changing from no effect to NLAA).
10. Can you provide more information about the cetacean density maps that were included in the supplemental info? How were they calculated, and did it take into account a seasonal component? Can you include density maps for sei and gray whales?

Take a look at this Navy doc

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11. Are there density maps for sea turtles? The above publication only has summary tables.
12. Is there a way to ensure compliance with the mitigation measures? It will be up to Ventura to train the clients, but how will they enforce it? Each of the 20 plots could be different companies, and their compliance may vary.
13. Have you considered whether you need an incidental take authorization under the MMPA?

What is your timeline for publishing the notice and eventually issuing the permit?

Please let me know if you have any questions or would like to set up a phone call to discuss.

Thanks,

Laura

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