



July 13, 2020

Ventura Port District Board of Commissioners
1603 Anchors Way Drive
Ventura, CA 93001

Re: **Draft Navigational Risk Assessment for the Proposed Ventura Shellfish Project**

Dear Commissioners:

Thank you for the opportunity to comment on the Draft Navigational Risk Assessment for the proposed Ventura Shellfish Project. The undersigned groups have extensive knowledge of marine resources off the California coast and experience navigating the various laws and policies associated with coastal and marine development. Together, we would like to offer caution with consideration of an offshore aquaculture operation in federal waters and voice our concern that the Commission would submit materials to the Army Corps of Engineers when the Port does not have the authority to pursue this project in federal waters without the approval from the Ventura Local Agency Formation Commission (“LAFCo”). We recommend that you do not approve sending the Draft Navigational Risk Assessment for the proposed Ventura Shellfish Project at this time.

Open ocean aquaculture is a challenging endeavor, and authorization of such a venture should first consider impacts to the marine environment. By pursuing the Ventura Shellfish Project in federal waters, the Ventura Port avoids California laws and regulations that have been enacted to protect the unique and important marine resources off our coast. Should the project be considered in state waters, it would be subject to review by several agencies, including the Regional Water Quality Control Board, California Department of Fish and Wildlife, California Coastal Commission, and California Department of Public Health. The public would be able to comment on the environmental, safety, and health implications of the proposal. The federal

government does not have a comparable aquaculture program or opportunity for public participation.

As evidenced by the tragic failure of the Catalina Sea Ranch aquaculture project, projects in federal waters are subject to insufficient environmental review, are difficult to monitor, and can lead to damage to marine resources, harm to personal property, and even loss of life.¹ We believe the risks of a project developed under the same process and conditions as the Catalina Sea Ranch involves an unnecessary amount of risk and exposure to liability, especially when considering the option to propose and permit aquaculture projects in state waters.

Finally, as Commissioners are aware, for the Ventura Shellfish Project to operate outside of its boundaries, and in federal waters, permission must be granted by LAFCo. LAFCo does not have the authority to approve a project outside its jurisdictional boundary.² Because of this conflict, the Army Corps of Engineers cannot approve this permit, even after the Draft Navigational Risk Assessment is submitted to the agency. Therefore, no benefit is gained by submitting the Assessment at this time.

In conclusion, we recommend the Commissioners not submit the Draft Navigational Risk Assessment to the Army Corps of Engineers at this time. Please direct your staff to work with the relevant state agencies to pursue a proposal in state waters. Thank you for consideration of our comments.

Sincerely,

Linda Krop, Chief Counsel
Environmental Defense Center

Susan Jordan, Executive Director
California Coastal Protection Network

Hallie Templeton, Senior Oceans Campaigner
Friends of the Earth

Mati Waiya, Executive Director
Wishtoyo Chumash Foundation

Michael Stocker, Director
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Morgan Patton, Executive Director
Environmental Action Committee of West
Marin

Ben Pitterle, Science and Policy Director
Santa Barbara Channelkeeper

Katherine Kilduff, Senior Attorney
Center for Biological Diversity

Heidi Anne Rogers, Communications Coordinator
Northwest Atlantic Marine Alliance

¹ *Strained mussels: Causes of the first US offshore farm's demise are up for debate*, M&A, Jason Smith (May 4, 2020).

² Staff report by Kai Luoma, Ventura County LAFCo, to LAFCo Commissioners (October 16, 2019).