

CALIFORNIA COASTAL COMMISSION

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F12a

CDP No.: 9-21-0561 (HIOC)

February 11, 2022

Correspondence



California Coastal Commission
455 Market Street, Suite 300
San Francisco, CA 94105

Re: Hog Island Oyster Company Shellfish Farm in Arcata Bay

Dear Coastal Commissioners and Staff,

As a business owner and chef that relies on a vibrant, healthy California coast AND the availability of sustainably produced California seafood I want to convey my support for Hog Island Oyster Company's proposed new shellfish farm in Humboldt County.

For nearly 40 years Hog Island has been synonymous in California with premium shellfish grown harmoniously within the coastal environment. Our customers place a very high value on sustainability, and because of Hog Island's commitment to coastal stewardship we primarily source their oysters for our culinary program.

The work & educational steps Hog Island takes in conveying the continued important relationships with Scientists, Environmentalists, Chefs & Enthusiasts has made them industry leaders to not only believe in and support, but to align our own companies' values with. More than ever, we need proven leaders that continually demonstrate net positive results in aquaculture sustainability. Hog Island Oyster Company is beyond committed to these intrinsic core values & have had immense positive influence in the California culinary world.

Currently the demand for California-grown shellfish far exceeds production, and well over half of all shellfish consumed is imported from outside the state. We need smart growth in the seafood sector, and the current proposal by Hog Island strikes the right balance between coastal stewardship, small business, and great seafood.

The California Coastal Commission is "committed to protecting and enhancing California's coast and ocean for present and future generations" and the state legislature has made sustainable mariculture a priority. I can think of few coastal enterprises more appropriate than shellfish aquaculture, and few companies more capable than Hog Island Oyster Company to lead that growth responsibly.

Again, on behalf of my culinary team's core values & our customers desire for sustainable seafood, I strongly support Hog Island's application for a Coastal Development Permit.

Sincerely,

Stuart Briozza, Chef/Owner
stuartbriozza@gmail.com



January 14, 2022

California Coastal Commission
455 Market Street, Suite 300
San Francisco, CA 94105

Re: Hog Island Oyster Company Shellfish Farm in Arcata Bay

Dear Coastal Commissioners and Staff,

On behalf of Humboldt Baykeeper, I am writing in support of Hog Island Oyster Company's proposed Shellfish Farm in Arcata Bay (the Project). Humboldt Baykeeper's mission is to safeguard coastal resources for the health, enjoyment, and economic strength of the Humboldt Bay community through education, scientific research, and enforcement of laws to fight pollution. Humboldt Baykeeper is a member of the California Coastkeeper Alliance and international Waterkeeper Alliance.

Hog Island Oyster Company (HIOC) proposes new shellfish culture operations in the northwest corner of Arcata Bay (also known as North Humboldt Bay), adjacent to the Mad River Slough Channel on APN 506-121-001. The Project includes up to 30 acres of cultivation. The project was the subject of an Initial Study/Draft Mitigated Negative Declaration conducted by the Humboldt Bay Harbor, Recreation, and Conservation District (SCH #2021020128).

Our support for the proposed project is primarily based on the proposed project's design, but is also influenced by the company's overall code of conduct.

The HIOC Shellfish Farm in Arcata Bay is designed to minimize impacts to eelgrass, since culture areas are proposed in higher elevations above existing eelgrass, and the project incorporates a 16-foot buffer from eelgrass when installing shellfish aquaculture gear. Since shellfish and the commercial shellfish industry are wholly dependent on the health of the Humboldt Bay ecosystem, particularly water quality of the bay and its tributaries, Humboldt Baykeeper generally supports the expansion

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www.humboldtbykeeper.org



of shellfish culture operations that have been designed and sited to have minimal impacts to eelgrass and other species that also depend on a healthy bay ecosystem.

In addition to Project specifications designed to avoid or minimize environmental impacts, the Project proponent has a proven track record based on a code of conduct that includes sustainability, stewardship based on science, and community engagement.

At HIOC's oyster hatchery on Humboldt Bay, ongoing ocean monitoring is being conducted in coordination with UC Sea Grant, contributing to the scientific community's understanding of how changing ocean conditions are affecting the bay.

As a California Benefit Corporation since 2016, HIOC has a corporate purpose to create a material positive impact on society and the environment. One such activity involves contributing to our volunteer Coastal Cleanup Day and Earth Day events. Our volunteers paddle rented kayaks over to Tuluwat Island, the largest island in Humboldt Bay, to remove trash. Hog Island's boat-based support to haul the large amounts of trash is essential to these efforts.

HIOC is also a member of the Blue Business Council, a network of business partners who are actively engaged to protect clean and plentiful water in California. The California Coastkeeper Alliance launched the Blue Business Council in 2014 based on the belief that a healthy ocean and coast and clean water is vital to California's economy, public health, and way of life.

In conclusion, our support for the Project is based on HIOC's commitment to science, environmental stewardship, and the Humboldt Bay community. We strongly believe that HIOC's Shellfish Farm in Arcata Bay will support the Humboldt Bay economy while ensuring long-term protection of the bay's water quality that we all rely on.

Thank you for your consideration.

Sincerely,



Jennifer Kalt, Director
jkalt@humboldtkeeper.org

Cassidy Teufel, Manager
Energy, Ocean Resources & Federal Consistency
California Coastal Commission
455 Market Street, Suite 228
San Francisco, CA 94105-2219

Dear Coastal Commission Staff,

Our names are Dan and Pam Willey, owners of Salt Fish House and Campground Restaurant in Arcata, CA. As the business owners of two restaurants in Humboldt County that rely on a vibrant, healthy California coast AND the availability of sustainably produced California seafood, we want to convey our support for Hog Island Oyster Company's proposed new shellfish farm in Humboldt County. For nearly 40 years Hog Island has been synonymous in California with premium shellfish grown harmoniously within the coastal environment. Our customers place a very high value on California's ocean resources, and we would welcome a locally grown Hog Island product for our restaurant business. We sell 100 dozens of oysters every week however, we have to import most of those from Canada and Washington when available.

Currently the demand for California-grown shellfish far exceeds production, and well over half of all shellfish consumed is imported from outside the state. We need smart growth in the seafood sector, and the current proposal by Hog Island strikes the right balance between coastal stewardship, small business, and great seafood. The California Coastal Commission is "committed to protecting and enhancing California's coast and ocean for present and future generations" and the state legislature has made sustainable mariculture a priority. I can think of few coastal enterprises more appropriate than shellfish aquaculture, and few companies more capable than Hog Island Oyster Company to lead that growth responsibly.

Again, we strongly support Hog Island's application for a Coastal Development Permit.

Thank you for your time,

Pamela Willey

Handwritten signature of Pamela Willey in cursive script.

Daniel Willey

Handwritten signature of Daniel Willey in cursive script.



January 14, 2022

California Coastal Commission
455 Market Street, Suite 300
San Francisco, CA 94105

Re: Hog Island Oyster Company Proposed Shellfish Farm in Arcata Bay

Dear Coastal Commissioners and Staff:

On behalf of Friends of the Dunes, I am writing to express support for Hog Island Oyster Company's proposed Shellfish Farm in Arcata Bay. Friends of the Dunes is a 501(c)(3) non-profit organization dedicated to conserving the natural diversity of coastal environments in northern California through community-supported education and stewardship programs, and we have been working with the diverse communities of northern California since 1982.

Hog Island Oyster Company (HIOC) proposes new shellfish culture operations in the northwest corner of Arcata Bay, adjacent to the Mad River Slough Channel on APN 506-121-001. This proposed project would include up to 30 acres of cultivation, and it was the subject of an Initial Study/Draft Mitigated Negative Declaration conducted by the Humboldt Bay Harbor, Recreation, and Conservation District (SCH #2021020128).

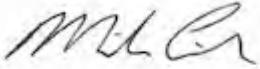
We support this project based on the project's design and HIOC's general approach, which includes science-based stewardship and engagement of the environmental community to ensure that adverse impacts to coastal resources are avoided.

In particular, we are encouraged that HIOC has incorporated suggestions to create a buffer between the proposed project and the Mad River Wildlife Area in order to avoid or minimize potential impacts to roosting shorebirds or other sensitive wildlife species. In addition, the design of the proposed HIOC Shellfish Farm in Arcata Bay avoids impacts to eelgrass, since culture areas are proposed for elevations above existing eelgrass. As an additional eelgrass impact avoidance measure, there would also be a 16-foot buffer from eelgrass when installing aquaculture infrastructure.

At Friends of the Dunes, we strongly believe that the long-term conservation of the remarkable natural resources in the Humboldt Bay region is vital to our collective future. We also believe that economic development in Humboldt Bay, including aquaculture, can be compatible with conservation of our coastal dunes, wetlands, wildlife, native plants, and natural areas when companies adopt the approach that HIOC has, of engaging directly to address potential concerns and by centering environmental stewardship.

Thank you for your consideration of this letter, and for all of your efforts to protect coastal resources for future generations.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike Cipra". The signature is fluid and cursive, with the first name "Mike" and last name "Cipra" clearly distinguishable.

Mike Cipra
Executive Director



February 4, 2022

Jack Ainsworth, Executive Director
California Coastal Commission
455 Market St., Suite 300
San Francisco, CA 94105

Re: CDP application 9-21-0561, Hog Island Oyster Company

Dear Director Ainsworth and Commissioners,

Audubon California, the Black Brant Group, and California Waterfowl support the staff recommendation to approve CDP application 9-21-0561, Hog Island Oyster Company, as conditioned. We believe that through the Special Conditions in place, many adverse impacts to marine biological resources and coastal access and recreation will be avoided and the proposed project will be consistent with the applicable policies of the Coastal Act. We appreciate the staff's thoughtful consideration of our technical comments dated April 12, 2021 and attached herein, as well as the comments of the Redwood Region Audubon Society and other organizations and individuals advocating for the protection of birds, wildlife, eelgrass and intertidal mudflat resources, fisheries, vessel safety, and hunting opportunity. The site is located west of Arcata channel, near other shellfish operations, in an area our organizations have previously identified as being least harmful for very limited (<40 acre) expansion of intertidal aquaculture in Humboldt Bay.

The Special Conditions reflect the expertise staff have gained as they have conducted permit application review and permit compliance activities for Hog Island Oyster Company (HIOC) operations in Tomales Bay and Humboldt Bay. HIOC violated permit conditions and in some cases disagreed with the CCC's decisions. Four of these projects and staff recommendations and reports were heard at the February, 2019 Coastal Commission meeting.¹ One staff report notes:

Due to HIOC's failure to obtain the necessary authorizations prior to carrying out development activities, violations of the Coastal Act exist within the areas of its operations. These include, but are not limited to, installation and use of on- and off-bottom shellfish cultivation structures and equipment for many years across roughly 17 acres in Tomales Bay; operation of all-terrain vehicles (ATVs) within intertidal mudflats;

¹ See Friday, items 14a-d at: <https://www.coastal.ca.gov/meetings/agenda/#/2019/2>

disturbance and damage to sensitive eelgrass habitat; and operation of mechanical shellfish harvesting equipment.

Given HIOC's history of non-compliance with permit conditions and lease agreements, we are pleased that HIOC is willing to work collaboratively to reach agreement on a project with conditions for a new intertidal operation in Humboldt Bay. We hope this will set an example for future lease renewals on the part of HIOC and other CDP applicants.

The structure of the Special Conditions will ensure that many threats to natural resources, safety and recreational opportunity will be satisfactorily reduced. These relate to:

- Protecting shorebirds, waterbirds and Black Brant from unnecessary disturbance and safeguarding their feeding, loafing, and gritting opportunities.
- Protecting herring spawning activity on aquaculture gear in and around the project area.
- Marking and securing gear and conducting and reporting on marine debris cleanup and compliance training for staff.
- Compliance with the CEMP in order to protect eelgrass areas from damage.
- Avoiding on-water operations for state-designated Brant hunting days in Arcata Bay.
- Of critical importance, a Performance Bond of \$50,000 for the faithful observance and performance of all conditions of the permit.
- Acceptance and review of credible public observations and information in regard to staff assessing compliance with Special Conditions.

While this project on its own meets Coastal Act requirements, we note that the cumulative impacts of another shellfish farm in the bay were addressed inadequately by the applicant's environmental documents, and not at all in the staff report. Eelgrass and mudflat resources in California are declining, as are many shorebirds throughout the Pacific Flyway, and Pacific herring spawning has decreased over time in California. Other uses are being proposed for the bay, such as an expanded port for offshore wind, and a shoreside salmon farm with a saltwater intake. Meanwhile, the impacts of climate change on our coastal resources continues to grow. All this puts natural resources and recreational use of this estuary at greater risk than ever. We strongly urge the Coastal Commission to advocate for a holistic spatial plan for the Humboldt Bay estuary that details studies needed to fill data gaps and can inform uses that are compatible with the site's resources in a changing climate.

Thank you for your dedication to the coast and ocean.

Sincerely,

Anna Weinstein
Director, Marine Conservation
National Audubon Society

Fred Harpster
President
Black Brant Group

Mark Hennelly
Vice President of Advocacy
California Waterfowl



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Agenda Item F12a

Environmental Action Committee of West Marin

Chair Donne Brownsey
California Coastal Commission
455 Market Street, Suite 300
San Francisco, CA 94105
Via Electronic Delivery: EORFC@coastal.ca.gov

**Re: February 2022 Agenda Item Friday 12a - Application No. 9-21-0561
(Hog Island Oyster Company, Humboldt Co.)**

Dear Chair Brownsey,

The Environmental Action Committee of West Marin (EAC) submits the following comments regarding Agenda Item F12a - Application No. 9-21-0561 (Hog Island Oyster Company, Humboldt Co.). Our mission is to protect and sustain the unique lands, waters, and biodiversity of West Marin. As part of our coastal work, we provide oversight for aquaculture, with a focus on Tomales Bay, including commenting on Coastal Development Permit (CDP) amendments. While application No. 9-21-0561 is outside of our typical geographic focal area, we submit these comments to provide support for some of the strong permit conditions, which could serve as a precedent in other parts of the state.

In particular, we have witnessed the woefully inadequate escrow accounts managed by the Fish and Game Commission for California's aquaculture leases. In many cases, the accounts have limited or no funds. This leaves a concerning gap when operators cease to exist and clean-up is needed, as well as for compliance issues. While this performance bond may help, it would not likely cover the actual costs of significant compliance violations or a full site clean-up. For example, restoration and clean-up at Drakes Estero cost \$4 Million.¹

¹ Guy Kovner, The Press Democrat, *More Work Ahead to Restore Estero After Drakes Bay Oyster Co. Departure*, January 9, 2016, <https://www.pressdemocrat.com/article/news/more-work-ahead-to-restore-estero-after-drakes-bay-oyster-co-departure/?ref=related>.

EAC Comments re. Agenda Item F12a

February 4, 2022

Page 2 of 2

Special Condition 12 (Performance Bond of \$50,000) has the potential to begin to address this regulatory gap, as well as to provide compliance assurances. Throughout our oversight of Tomales Bay and leases statewide, we have witnessed several compliance issues and CDP violations. Pages 14-15 of the staff report reference some recent compliance issues in Tomales Bay related to Hog Island Oyster Company. We hope that Special Condition 12 will help to incentivize timely permit compliance.

There is a precedent for this type of condition in other aquaculture permitting including conditions in the Ocean Rainforest consistency certification, Marine Bioenergy project, and the Catalina Sea Ranch project. These types of bonds have also been used in other types of permitting like oil and gas and fiber optics cables.

In closing, we are supportive of Special Condition 12, and we thank staff for their dedication to aquaculture compliance. Thank you for the consideration of our comments and for your careful oversight of our state's coastal resources.

Sincerely,



Morgan Patton
Executive Director



Ashley Eagle-Gibbs
Legal and Policy Director

cc: Amanda Cousart, California Coastal Commission
Cassidy Teufel, California Coastal Commission

From: [Stan Brandenburg](#)
To: Energy@Coastal
Subject: Public Comment on February 2022 Agenda Item Friday 12a - Application No. 9-21-0561 (Hog Island Oyster Company, Humboldt Co.)
Date: Wednesday, February 2, 2022 8:12:11 AM

Commissioners,

As a registered Professional Civil Engineer, avid outdoors person, and lifelong Resident of Eureka, CA (58 years) Please add the following comments/recommendations to the public record portion of Application No. 9-21-0561 (Hog Island Oyster Company, Humboldt Co.)

In order to ensure a successful project for not only the landowner, but for the members of the public that use Humboldt Bay, please consider the following approval conditions.

1. Some type of financial bond associated with permit conditions to ensure Hog Island will have to pay fines if they don't meet their permit conditions. Too often permit conditions are adopted and then ignored.
2. Buffers along channel edges to allow for waterfowl and shorebird roosting.
3. Clearly marked gear for vessel safety. There is a lot of small boat/kayak traffic in the proposed project area and off bottom aquaculture is a major hazard to navigation.
4. No vessel activity on Wednesdays, Saturdays, Sundays, and Federal holidays during California's Northern Brant waterfowl season. This is a period of 30 days, typically from November 7th to December 7th. The proposed restriction coincides with allowable hunt days on North Humboldt Bay and would go far in reducing user conflict of public waterways. The impact to Aquaculture will total twelve days of reduced operations.
5. Finally, this project should be the last aquaculture expansion project in North Humboldt Bay. No more pre-permitting. There are too many cumulative impacts to the fish and wildlife in North Humboldt Bay from all the different Highway projects, Trail projects, Salmon Farm projects, and Windmill projects. I have observed over my lifetime how all the birds are getting pushed from the edges of the Bay to the middle trying to get some peace and quiet. Noise and light pollution have driven shorebirds off of their traditional roosting areas and increased boat traffic have severely impacted Black Brant roosting and gritting sites. North Humboldt Bay is at capacity, any more projects will tip it out of balance.

Thank you for your time and consideration.

Stan Brandenburg
2319 Ridgewood drive
Eureka, CA 95503