

APPENDICES:
California Shellfish Initiative Working Group
Summary Report, April 2015

California Shellfish Working Group
ISSUES ASSESSMENT SUMMARY

September 12, 2014

Background/Context

As part of launch of the California Shellfish Initiative Working Group, facilitator Mary Selkirk undertook a series of telephone interviews with all invited members of the Group and in some cases their alternates. The purpose of these interviews was to identify the themes and issues of greatest concern to the Working Group members and to ensure that the proposed topics for discussion address the issues of highest priority to the Group. A total of 17 individuals were interviewed. (Two interviews included two people.)

Based on these interviews, the facilitator developed some overall observations, along with recommendations for issues that should be addressed in the first and subsequent meetings of the Working Group. The observations were developed based on the interviews, and as such represent the facilitator's analysis, not necessarily the consensus of the interviewees.

Following the observations is a condensed summary of key themes and issues that were identified by respondents. It does not include every response from every person interviewed, but rather is a summary of the major themes that emerged. It is a qualitative, not quantitative, summary of responses to interview questions/themes. For example, "general" does not mean "unanimous," nor does it denote a specific number of respondents.

Observations & Recommendations

Overall, invited Working Group members were united in their commitment to protecting the near-shore resource. Although they differed in their views about the impacts of shellfish aquaculture or the extent of problems with the current environmental review process, all agreed that there were steps that could be taken to significantly improve:

- ***Agreement on the most critical science issues to be considered when new aquaculture operations are under consideration***
- ***Interagency direction to permit applicants***
- ***Communication both among agencies and with the shellfish industry and permit applicants.***

A number of respondents spontaneously expressed interest in creating an interagency group that could meet regularly to address all of these issues, and to provide early joint consultation to the industry.

Observation: Vision/Context

Respondents had unanimous agreement on the overriding need to protect the near-shore environment, though few explicitly mentioned the importance of a shared value/policy among the State and Federal agencies on the threshold question of whether, or in what ways, shellfish aquaculture is a beneficial use of that habitat.

The absence of an articulated, shared vision for California aquaculture (do we want status quo? do we want less aquaculture? do we want more, and if so where? and what is our agency's role in fostering this vision?) makes it difficult for them all to agree on whether there really is a problem with current environmental review or permitting, aside from the time and dollar cost to growers.

Recommendation: At Meeting #1, engage the Working Group in an exchange of views on their respective vision for aquaculture in California, and their perspectives on their agency's role in that vision. The purpose of this exchange is not to reach consensus in the Group at this time but to surface assumptions and interests around the table that will influence the Group's success in forging stronger links where possible between aquaculture development and environmental protection.

Observation: Road map

Several respondents among growers and agencies alike specifically called for development of a road map that lays out review responsibilities, permit applicant requirements, and permit milestones. Absence of a road map—which could even be in diagram form—leads to ambiguous role definition for regulators, uncertainties for the applicants, and potential delays on both sides.

Building a “road map” together in the course of these meetings is one concrete way to illustrate each agency’s understandings of their respective roles, and timing of their reviews. It can also provide a platform for assessing how to improve the process.

Recommendation: At Meeting #1 provide a strawman road map **graphic** to prime the pump for discussion. At subsequent meetings, refine the road map.

Observation: Relevant science and impacts

Respondents expressed differing views on whether there is established agreement on the most significant potential negative *or* positive impacts of oyster aquaculture, and when negative impacts rise to a level that requires mitigation or denial of a permit application.

Recommendation: Early on (meeting 1 or 2) identify and seek consensus on priority science issues, what science is agreed on, where data gaps still exist, and opportunities for joint scientific standards or regional acceptable impacts development.

Observation: Formalizing interagency collaboration

Many respondents called for the creation of some kind of interagency team that reviews all permits together, and would provide an opportunity for applicants to meet early on with one set group of staff from multiple agencies.

Recommendation: Brainstorm/seek consensus on what an interagency Aquaculture Work Group/Task Force should look like and how it should function.

Observation: Communication

Respondents unanimously agreed that frequent, ongoing communication among all parties will lead to better outcomes. Several agency respondents emphasized that early consultation is a vital part of successful environmental review, but only if the outcomes of that review result in ongoing dialogue and feedback throughout the permitting process

Recommendation: Seek Group agreement in Meeting #1 on communication protocols for all members that all parties will abide by during the Working Group process (spelled out in the draft Charter) and also during any current ongoing environmental review process. This protocol could also serve as a bridge while a more integrated review process is being developed.

Findings

Commitment to aquaculture

- One senior agency official commented that there is no apparent shared vision of the desirability of aquaculture in the near-shore environment in California
- NOAA/NMFS has a national policy to promote environmentally sensitive aquaculture. However that commitment is not yet reflected at the regional level. There is no integrated approach yet within the agency for promoting aquaculture, or joint regulatory/resource review of new project applications.
- CDFW includes aquaculture in its code. But currently there is no direct collaboration or ongoing integration between permit issuers and resource protection staff to ensure consistent early and joint review.
- Both NOAA and CDFW acknowledge what may at times be competing missions within their own agencies: promotion of aquaculture and protection of the resource. Overall, if there is conflict between the two, the precautionary principle holds: the resource takes priority.

- The Coastal Commission expressed skepticism that the benign nature of shellfish aquaculture has been scientifically established.
- Region 3 Regional Water Quality Control Boards includes shellfish aquaculture as a beneficial use in the Basin Plans but does not directly permit operations.

Environmental review

- With the exception of one agency, respondents generally agreed that there isn't a clear environmental review process that everyone would agree on.
- Respondents generally agreed that there is good agency-agency communication, though the timing/sequencing of environmental review is not always clear (described by one respondent as "piecemeal"). That said, some respondents expressed uncertainty as to whether each agency is at the table at the most opportune time in the process.
- Respondents generally agreed that no one agency or entity oversees the process of review or permitting from start to finish.
- Respondents universally agreed that the overall level of expertise as well as dedication of agency staff is high. However, respondents differed in their views about levels of ongoing coordination or shared commitment to working together across agencies along the way.
- Respondents from one agency stated that permit applications are often incomplete, and that some shellfish operators remain out of compliance
- Respondents generally agreed that communication with applicants is inconsistent and needs improvement.
- Respondents generally agreed that the costs of environmental review for permitting are often prohibitively high for many shellfish operators. They were generally aware that shellfish farmers tend to be small operators, and that the costs of doing business in the near shore environment are high.
- From the growers' perspective, there was no clarity on which agency makes the final determination. In the current process, the Coastal Commission is the final arbiter through its own CEQA review and issuance of a Coastal Development Permit.
- NOAA/NMFS and CDFW organizationally separate their permitting and resource protection roles, which can lead to internal delays, or no explicit internal agreement on what is an acceptable level of review or acceptable levels of impacts.
- All respondents agreed that CEQA has a major role in environmental review. However, there was no clear agreement among respondents regarding whose ultimate responsibility it is to conduct review, assess impacts and determine mitigation requirements.
- Growers perceive that the lessons learned from their own industry and operations, or lessons learned across existing projects here or in other states, are often not carried forward into individual project review.
- Respondents agreed that early, joint scoping is ideal, so that the scope and sequencing of review can be laid out at the front end.
- Some respondents acknowledged that inadequate agency staffing or oversight/accountability can lead to delays.
- Several respondents raised the issue of the feasibility of somehow administratively or financially supporting permit applicants to enable them to carry out the required environmental analyses.

Science issues

- Respondents agreed unanimously on the importance of good scientific information, and the value of protecting the resource.
- Respondents generally agreed on the need for all parties to have a shared understanding of the key science issues at play, requiring interagency agreement and environmental analysis during permit process

- Respondents had differing views on whether there is a shared understanding among all agencies of what the most critical issues are that need to be assessed [setting aside explicit CEQA requirements]
- Growers understand and support that resource protection is paramount.
- Agency and grower respondents alike acknowledged that there are differing policies and/or untested assumptions on the potential impacts, or significance of impacts of/on (partial list):
 - Eelgrass
 - Water quality
 - Biodiversity/ecological services
 - Infrastructure
 - Boat use
 - Pesticide use
 - Fisheries or marine mammals
- Growers want certainty up front about what impacts are critical and need to be analyzed.
- Some respondents noted that there is no clear understanding yet of the overall capacity for aquaculture in the major estuaries.

Humboldt Bay Pre-permitting Project as a model

- Familiarity with the Humboldt Bay Project was uneven. Some know a little, some participated in the early scoping, others knew nothing.
- Among those who were familiar, there is general enthusiasm about the concept, but caution about drawing premature conclusions about the feasibility of the approach, or its application to other locales
- Some respondents expressed concern that the transferability of the Humboldt concept is limited because of the absence of comparable “meta-“ agency/entity in other estuaries to be the overall permit holder.
- Several respondents emphasized the value of having a local entity that can “champion” and assist in local shellfish operations development and environmental review.

Other good models

- Southern California: DMMT. Standing multi-agency meetings to review applications for dredging for beach nourishment
- San Francisco Bay area: DMMO Bay area
- Statewide: Task Forces on oil and gas development, “strike teams” for permitting solar projects
- San Francisco Bay JARPA: joint permit. Doesn’t change any permitting oversight or authorities but puts all components in one place.

Policies potentially amenable to regional development/application

- Regional acceptable levels of impact: along the lines of what Humboldt Bay Pre-permitting Project is trying to develop
- Agreement on what constitutes “invasive” and how determined/who determines
- Required buffer zones for structures
- Eelgrass: impacts, interactions, protection, mitigation
- Acceptable types of cultures
- Water Quality effects: what to measure a regional scale that has an associated enforceable action
- Criteria for siting in wetlands.

Successful Outcomes for the Working Group identified by respondents:

- Understanding of each Group member’s vision for aquaculture in California
- Road map that provides in one place:

- guidance regarding what agency has what type of review authority, sequencing of review, how impacts are analyzed and by whom at what point in timeline , what agency has the final say in the event that there are conflicting views (e.g. differing views on level of analysis required)
- clear guidance to permit applicants about what types of information and analysis will be required by each agency
- Agreement between agencies and clear understanding among growers on key scientific issues that should be addressed in every permit application environmental review
 - Agreement on data gaps and proposals for how to address those data gaps
 - Agreement on range of acceptable levels of impact and/or how they are determined
 - Where feasible, a process for reaching agreement on mitigation requirements
- Creation of an ongoing agency Task Force or Work Group, sponsored potentially by the Ocean Protection Council, with representatives from all State and Federal agencies with regulatory authority

Such an ongoing Group could:

- Convene upfront early consultation for applicants, agree on established science, agreement needed science, deal with differences in interpretation of impacts and mitigation requirements.
 - Explore potential for multi-benefit (e.g., native oyster restoration and commercial production) projects
 - Review applied research ongoing on native oyster restoration for relevance to commercial oyster growing
 - Agree on what criteria or analyses could amenable to regional permit, what are site-specific
 - Design conflict resolution protocol for when agencies' views differ
 - Investigate opportunities for programmatic ESA consultation
 - Complete the Permitting Guide
 - Develop a joint permit
 - Explore possible options for supporting environmental analyses for permit applications
- Plan for bringing all growers into compliance
 - Full agency participation
 - Greater trust and mutual respect between growers and agencies

INTERVIEWS

Name	Affiliation
1. John Finger	PCSGA
2. Laura Hunter	The Watershed Project
3. Kirsten Ramey (alternate)	CDFW
4. Sonke Mastrup	California Fish & Game Commission
5/6. Cassidy Teufel/Alison Dettmer	Coastal Commission
7. Irma Lagomarsino	NOAA
8. Bryan Matsumoto	USACE
9. Dan Swenson (alternate)	USACE
10. Jack Crider	Humboldt County Harbor District
11. Sarah Newkirk	The Nature Conservancy
12/13. Phil Crader/Shanta Keeling	State Water Board/Region 3 RWQCB
14. Greg Dale	PCSGA
15. Marilyn Latta	California State Coastal Conservancy
16. Becky Ota	CDFW
17. Chris Yates (alternate)	NOAA

Appendix 2: CSI Working Group Roster



California Shellfish Initiative
Stakeholder Working Group
Updated February 17, 2015

Organization	Member / Alternate
1. PCSGA Member	John Finger/ Greg Dale
2. The Watershed Project	Linda Hunter / Helen Dickson
3. CA Department of Fish & Wildlife	Becky Ota / Kirsten Ramey
4. CA Fish & Game Commission	Sonke Mastrup
5. CA Coastal Commission	Cassidy Teufel /Alison Dettmer
6. State Water Board	Renan Jauregui
7. The Nature Conservancy	Sarah Newkirk
8. NOAA/NMFS	Irma Lagomarsino / Chris Yates/Korie Schaeffer
9. Army Corps of Engineers	Bryan Matsumoto / Dan Swenson/Holly Costa
10. Humboldt Co. Harbor District	Jack Crider
11. State Coastal Conservancy	Marilyn Latta
12. CA Public Health	Kelvin Yamada/ Gregg Langlois/ Eric Trevena
13. Go BIZ	Shannan West

Contact Information

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Alternates

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Steering Committee

Name	Organization	E-mail	Work
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Robert Smith	Plauche & Carr	robert@plauchecarr.com	(206) 436-0615

Appendix 3: Working Group Charter



California Shellfish Initiative Working Group

FINAL Charter

Approved 1/29/15

I. Background

In cooperation with NOAA and the California Department of Fish & Wildlife, the Pacific Coast Shellfish Growers Association (PCSGA), launched a California Shellfish Initiative in the fall of 2013 to improve the climate for the permitting of shellfish production and restoration in California.

The goals of the Initiative are to:

- Provide an open process to engage in science-based coastal planning for shellfish aquaculture and restoration
- Develop a comprehensive, efficient and predictable environmental review and permit process to increase coordination, conform to environmental laws and standards and demonstrate environmental stewardship.
- Support healthy coastal ecosystems that benefit multiple uses including sustainable shellfish aquaculture and restoration.

To begin to accomplish these goals, NOAA, CDFW and the PCSGA established a California Shellfish Working Group in the fall of 2014.

II. Goal and Objective

The goal of the Working Group is to investigate, and seek consensus on ways to improve, local, state and federal interagency coordination in California for the review of individual, local or regional permits for new or expanded use of commercial shellfish operations, as well as public shellfish habitat restoration programs.

The objective of the Work Group is to identify, discuss and make consensus on recommendations for improving the environmental review processes used by the multiple agencies, as needed and where feasible. These recommendations may include for example:

- Identifying any opportunities for joint or integrated environmental review to reduce time and cost of permitting for both the applicant and the reviewing agencies
- Identifying ways to increase the early communications between permit applicants and agencies to jointly identify major issues,
- Agreeing on interpretation of complex science issues of concern
- Ensuring transparency throughout the review process, across agencies and with permit applicants

- Agreeing on key issues of scientific uncertainty and how to address these issues going forward
- Identifying ways to improve regulatory compliance among current shellfish operators and operations

III. Structure

A. Working Group

Composition:

Working Group members represent organizations or agencies with a direct role in either operating, reviewing or permitting current and future commercial shellfish and intertidal restoration projects. To the extent possible, Working Group members are in a position to negotiate and make recommendations on behalf of their respective agency or organization.

Tasks:

- Identify and discuss any priority issues regarding environmental review for shellfish and/or intertidal restoration permitting that can be jointly evaluated, and/or whose review by one agency can potentially be utilized by another
- Identify and discuss any issues of scientific concern that require ongoing joint review and/or assessment
- Review and adopt the Work Group Charter and work plan
- Review all documents provided by supporting agencies or stakeholders that pertain to current and potential future environmental review and permitting protocols
- Provide information, supporting documentation and/or draft proposals when requested by the Work Group
- Set the framework for external communications and outreach about the Work Group.
- Ensure that the final recommendations are circulated and vetted by their respective agencies
- Propose Working Group recommendations for adoption by their respective organizations/agencies, as appropriate
- Engage in ongoing communication with their respective organizations and interested stakeholders, and bring forward pertinent information or developments from their respective organizations/agencies
- Communicate as needed with fellow Work Group members
- Attend all Work Group meetings

Meetings

The Work Group will meet approximately five times over the next 6-7 months. All meetings will be professionally facilitated by Mary Selkirk. Staff of the two co-convening agencies, NOAA and CDFW, will provide content expertise and logistical support to the Work Group.

B. Steering Committee

Composition:

The Work Group process will be managed by a Steering Committee consisting of:

- The NOAA Aquaculture Coordinator
- The State Department of Fish and Wildlife Aquaculture Coordinator
- A representative of the Pacific Coast Shellfish Growers Association

Roles & Responsibilities:

The Steering Committee will provide overall guidance to ensure that the Working Group deliberations will effectively address the issues necessary to establish joint understanding of the environmental review process and relevant recommendations for any improvements to that process. Along with Working Group members, the Committee will also ensure that the deliberations and outcomes of the Work Group process are shared with the public in a timely manner.

The NOAA Aquaculture Coordinator and CDFW Aquaculture Coordinator are the co-convenors of the Work Group. They will provide the needed staffing and logistical support for the Work Group.

The Steering Committee members are responsible for:

- Coordinating any travel and arranging for facilities and meals for Working Group members,
- Support services for the meetings which shall include note takers, audio visual and other meeting supplies.
- Compiling a clean version of the raw notes from the meeting.
- Distributing agendas and other materials in advance of and after each Working Group meeting.
- Hiring and overseeing an independent professional facilitator for the Working Group
- Reporting to the Working Group on relevant Steering Committee discussions, meeting notes/minutes

Steering Committee members commit to keeping their respective organizations apprised of the status of the Work Group dialogue, and to bringing before the Steering Committee any issues or information their organizations wish the Work Group to consider.

The NOAA Aquaculture Coordinator will have primary responsibility to NOAA for assuring compliance with the facilitator's contract. The NOAA Aquaculture Coordinator and PCSGA consultant will coordinate with the facilitator to provide the needed support and channels of communication with the Steering Committee.

IV. Anticipated Work products

The desired outcome of the process is a set of recommendations that may include (but not be limited to):

- An overall set of principles to be followed by all participating agencies
- An outline of a Memorandum of Agreement that all regulatory agencies could sign on to
- A flow chart that explains the environmental review and permitting process to an individual applicant
- One or more documents that reflect the information required for multi-agency review shellfish operations
- A draft consensus document that reflects an understanding between local, state and federal agencies on how they will coordinate and cooperate in an effort to minimize any potential duplication of efforts
- Identification of any statewide policy or programmatic issues that can be addressed in advance of individual permit applications

V. Operating Protocols

A. General Principles of Collaboration

The goals of the project will best be achieved by relationships among all participants that are characterized by mutual trust, respect, responsiveness, flexibility and open communication.

To that end, the Steering Committee and Working Group members will:

- Expend the time energy and organizational resources necessary to meet the Working Group objectives.
- Be prepared to listen intently to understand others' views.
- Regard disagreements as problems to be solved, rather than battles to be won.
- Report back to their respective agencies on the deliberations of the Working Group and commit to communicate their agencies' feedback and concerns to the full Working Group at each meeting.

B. Decision Making

Consensus as the Fundamental Principle: The Work Group shall strive for consensus (agreement among all participants) in all of its decision-making on substantive issues and recommendations.

Definition of "Consensus" Process:

Taking a consensus-based approach to decision making does not mean that complete, enthusiastic support for every recommendation will be required to move forward with Work Group recommendations. It *does* mean that deliberate effort will be made to reach consensus, and that opposing points of view will be worked through thoroughly to identify potential areas of agreement.

To test the level of support for a proposal or recommendation, the Work Group will employ a tool called the **Gradients of Agreement**.

The Gradients of Agreement are typically described as follows:

1. **Strong opposition:** no amending of the proposal will be acceptable to the member
2. **Oppose unless amended.** Member will oppose unless the proposal is amended, member clarifies what needs to be amended.
3. **Stand aside or Neutral.** Member notes disagreement, but will stand aside to allow the group to reach consensus without them. Or, the proposal doesn't affect the member or their interest.
4. **Live with it/workable.** Member doesn't love the proposal but can live with it
5. **Strong support**

1	2	3	4	5
<i>Strong</i>	<i>Oppose</i>	<i>Stand</i>	<i>Can</i>	<i>Strong</i>
<i>Opposition</i>	<i>Unless</i>	<i>Aside or</i>	<i>Live</i>	<i>Support</i>
	<i>Amended</i>	<i>Neutral</i>	<i>With</i>	

DECISION RULE: A Work Group decision or recommendation will be considered a consensus decision if all Work Group members register 3-5 on the Gradients of Agreement.

Note: If the Working Group is unable to reach consensus on a specific issue or recommendation, dissenting members will submit their comments on the issue in writing to the Group. All outcomes of the Working Group, including any Working Group dissenting comments, will be posted to the Working Group web page on the PCSGA website.

VI. Work Group Timeline

The Work Group will launch in late September/early October 2014, and will produce a final report by April/May 2015.

Appendix 4: Working Group Vision and Principles of Agreement (provisional approval 4/2/15)



Expanding California Aquaculture & Protecting our Coastal Ecosystems: Principles of Agreement

April 2015

The California Shellfish Initiative Working Group agrees on the following vision statement, and a set of guiding principles to achieve that vision.

Our 5-year Vision

- Sustainable and legal commercial shellfish aquaculture and native shellfish restoration have expanded in California and coastal habitats are resilient and healthy.
- A high level of coordination between resource agencies and early and ongoing collaboration with permit applicants has contributed to a smoother environmental review process, resulting in timely and cost effective processing of more commercial aquaculture permits, enhanced permit compliance among growers, and no litigation against any new project.
- Shellfish operators and resource and regulatory agencies collaborate to track and/or monitor the health of the State's coastal ecosystems that support commercial shellfish aquaculture,
- Sustainable and legal native shellfish restoration is co-located where feasible with commercial shellfish aquaculture.*

**Action item: Vision section to be refined by Diane Windham and Randy Lovell*

To achieve this vision, the CSI Working Group recommends the following Guiding Principles:

1. Environmental Review

To the extent feasible, both State and Federal agencies conducting environmental review of new or amended aquaculture projects/permits, and agencies issuing permits will strive to:

- Commit the necessary personnel and resources to deploy a Hot Shot Team to be available to permit applicants for shared and/or coordinated early review and dialogue (see Appendix 1 for Hot Shot Team description)
- Develop a checklist/template for all applicants of acceptable species for culture, potential options for eelgrass analysis, monitoring, and mitigation-- to be determined on a case-by-case basis or addressed in regional comprehensive eelgrass management plans-- acceptable culture methods and types of gear, and any other project elements that the applicant should be prepared to include and analyze in their application.

- Avoid additional conditions or mitigation measures other than those included in the checklist or template, unless the project has unique characteristics not previously considered by the agencies, or unless environmental conditions have changed or scientific information has been furthered.
- Educate and inform the regulated public on CEQA, NEPA, and other requirements.
- Pursue development of a joint application

To the extent feasible, growers/permit applicants in a specific region (e.g., Humboldt, Tomales, Morro Bay) will:

- Participate in early consultation with the reviewing and permitting agencies with the Hot Shot Team.
- Consider feedback from the Hot Shot Team and communicate directly and in a timely manner with the Team regarding how they plan to incorporate the feedback
- Develop conceptual designs for any new aquaculture or restoration projects based on the regional checklist/template provided to them by the reviewing and permitting agencies.*
**Action Item: Randy Lovell and John Finger will work together to re-word this Guiding Principle to ensure grower innovation within current environmental and regulatory parameters*

2. Permitting

To the extent feasible, environmental review and permitting agencies will:

- Ensure that all agencies and permit applicants have complete lists of responsible parties that should participate in early consultation.
- Identify and implement any environmental review steps for the applicant that can be conducted in parallel rather than sequentially.
- Utilize the Hot Shot Team to anticipate environmental review issues that might arise in the formal review process.
- Provide guidance and case-specific technical assistance to applicants applying for new or changes to existing activities or practices in an existing/long-standing permit.
- Explore and participate in identifying opportunities to develop programmatic regional/geographic consultations and permits where appropriate, using best available science, including but not limited to project monitoring data, published peer-reviewed literature, etc.
- Where there is local interest, facilitate the utilization of a regional impacts/thresholds approach such as that under development in the Humboldt Bay Mariculture Pre-Permitting Project.

To the extent feasible, growers/project applicants will:

- Strive to develop a regional programmatic permit, or to bundle permits in one region to allow for region-wide consideration of several applications at one time. [This could include identification of a local oversight agency to be the permit-holder, e.g. the Marin Resource Conservation District in Tomales Bay, or the possibility of several operators in one region jointly submitting one permit application.]

- Apply early for the pertinent permits to ensure ability to track and review the project in parallel with Federal and State requirements.
- Propose a process for bringing all growers into permit compliance.
- Work with their respective legislators at the State and Federal levels to ensure adequate funding resources to enable ongoing interagency collaboration with one another and with permit applicants.
- Assess opportunities for collaborating with native oyster restoration projects in joint applied research and monitoring of important ecosystem services and functions.
- [Add bullet to highlight native oyster restoration*](#).
***Action Item:** Marilyn Latta will provide language

3. Looking Ahead and Moving Forward*

**Action item: Robert Smith and Adam Wagschal will craft language for this section that will lay out how the Working Group will continue to work together over the coming years. Marilyn Latta will provide suggested text.*

4. Defining Success

The criteria that will indicate the success of these principles in practice for any permit application are:

- Open communication at every step
- Ongoing collaboration
- Early warning of problematic issues
- Reduction in permitting time and costs to both agencies and applicants
- Implementation without litigation
- Agencies permit and the public supports thriving environmentally sensitive shellfish farms and restoration projects.

SUGGESTED APPENDICES:

APPENDIX 1: Hot Shot Team Description and Operating Guidelines

APPENDIX 2: Detailed Permitting Chart (from Meeting 1)

APPENDIX 3: Detailed Issues Matrix (from Meeting 3)

APPENDIX 4: Roster of Working Group & Steering Committee

APPENDIX 5: Federal Information for Shellfish Growers Guide

APPENDIX 6: Example of San Francisco Bay Area JARPA: Living Shorelines Project

Appendix 5: Hot Shot Team Description



California Shellfish “Hot Shot” Technical Team

Description and purpose:

A standing, stand-by interagency Team that will provide early collaborative discussion and advice regarding new or amended aquaculture leases, native oyster restoration leases or permit applications; facilitate permit coordination; and reduce redundant or conflicting areas of agency review.

The Hot Shot Team is a subcommittee of the California Shellfish Initiative Working Group, under the guidance of the Federal and State Aquaculture Coordinators.

Team Resources:

California Coastal Commission (CCC)/ San Francisco Bay Conservation & Development Commission (BCDC), California Department of Fish & Wildlife (CDFW), relevant regional US Army Corps of Engineers (USACE) staff, National Oceanic & Atmospheric Administration/National Marine Fisheries Service (NOAA/NMFS), relevant Regional Water Quality Control Board staff, California Department of Public Health (CDPH).

Each Team may also invite:

- Local regional staff
- Additional agency expertise
- Additional outside expertise

Tasks

The Team will:

- Review draft project proposals, applications, and/or available environmental documents and provide early consultation and recommendations to the applicant(s). This consultation should occur as early as possible during the permitting process.
- Develop checklist for acceptable practices, e.g. shellfish growing methods, species, siting, eelgrass mitigation, consistency with regional policies and plans etc.
- Seek solutions on outstanding issues of biological concern; identify areas where further scientific research would be appropriate (and potential funding mechanisms) and reduce redundant or conflicting areas of agency review.
- Develop recommendations for how to “share” or coordinate one another’s determinations of impacts/compliance/permitting timelines where possible.
- Make recommendations on broader issues that affect all applications: e.g. updated approved species list, possible adoption of a thresholds approach to impact analysis.

Authority

The Team is not a substitute for formal regulatory processes by each agency, but is intended to guide applicants early on to maximize the likelihood of timely and successful environmental review and lease or permit applications, with clear, early and periodic guidance to the applicant on required analysis and mitigation.

While Hot Shot Team members are typically not the decision makers for their agency, they have the support of their agency leadership.

Expectations

- Each contributing agency will provide the necessary time and resources for their agency Team member to participate. Team members will participate as regularly and often as possible.
- Each Team will convene on a periodic basis for short-term intensive focus on early-stage applications and to collaboratively discuss any conflicting or uncertain issues of environmental review, analysis or interpretation.
- Team would be stand-by and time-limited, ready to consider application/cluster of joint applications.
- The Team may meet more than once during an application process. (e.g., consultation before/after Initial Study, consultation during EIR/S development).
- Each Team member is responsible for ensuring that any results from meetings are communicated to relevant members of his or her agency.
- The Team will transmit work products and recommendations to the California Shellfish Initiative Working Group and provide updates on applications and issues considered by the Team.

Coordination

The Federal and State Aquaculture Coordinators will coordinate and support the Team, with commitment from NOAA/NMFS, California Coastal Commission, California Fish & Game Commission, California Department of Fish & Wildlife, US Army Corps of Engineers, San Francisco Bay Conservation & Development Commission or other relevant regional jurisdictions, and California Department of Public Health. The Aquaculture Coordinators will assess the need for outside professional facilitation.

Success Criteria

Each Team will operate collaboratively to achieve the Success Criteria developed and agreed to by the CSI Shellfish Aquaculture Working Group:

- Open communication at every step
- Ongoing collaboration
- Early warning of problematic issues
- Reduction in permitting time and costs to both agencies and applicants
- Implementation without litigation
- Agencies permit and the public supports thriving environmentally sensitive shellfish farms and restoration project