

An aerial photograph of a small boat moving through a vast field of buoys in the ocean. The boat is leaving a white wake behind it. The buoys are arranged in a grid-like pattern across the blue water.

# Navigating Permitting Requirements for Offshore Shellfish Aquaculture: Challenges and Opportunities Faced by the Ventura Shellfish Enterprise Project

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# Agenda

- Introduction
- Ventura Shellfish Enterprise
- Outreach
- Permitting Process
- Site Selection
- Key Considerations
- Next Steps



# Ventura Shellfish Enterprise Project

## Background

- Ventura Port District (Ventura, CA); independent special district
- Own/operate Ventura Harbor - commercial fishing, rec. boating
- Assessment (2007) identified need for sustainable fisheries diversity
- Multiple benefits of shellfish aquaculture for the Port District
  - Enhance and sustain the harbor
  - Support local economy
  - Increase supply of sustainably produced shellfish
  - Advance aquaculture industry, permitting, and public knowledge and understanding of sustainable shellfish farming



# Ventura Shellfish Enterprise Project

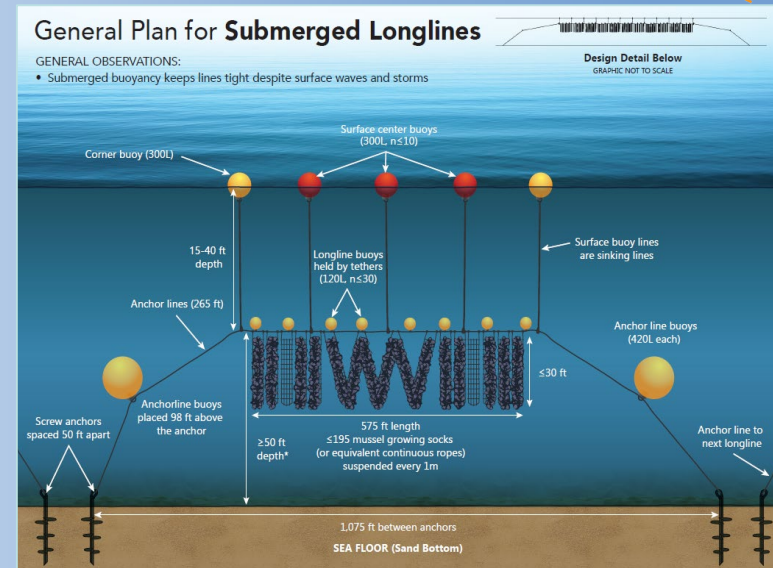
## Project Description

- Ventura Port District (Applicant)
- Twenty 100-acre growing sites, 2,000 ac, phased development
- Mediterranean mussels grown on submerged longlines and landed at Ventura Harbor
- Santa Barbara Channel in federal waters



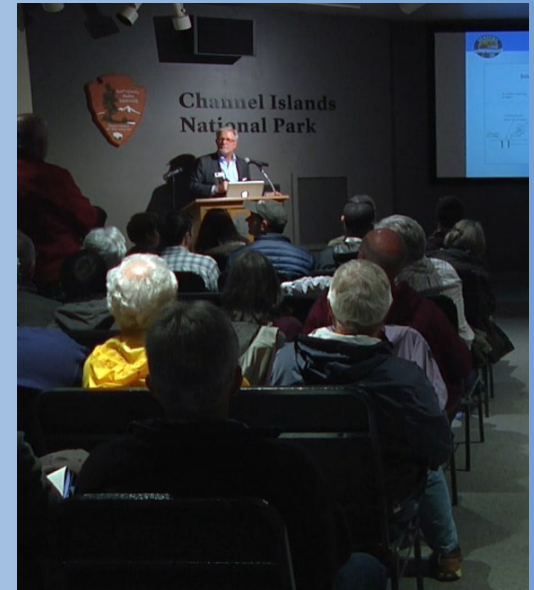
## Objectives

- Reduce cost of entry and regulatory roadblocks for the expansion of aquaculture
- Develop new permitting strategies / tools to streamline approvals for aquaculture



# Outreach

- 10 Stakeholder Workshops
  - Introduction to Shellfish Aquaculture
  - Shellfish Biology, Mussel Growing Technology and Equipment
  - Economic Impact and Benefits
  - Environmental Effects/Best Management Practices
  - Site Selection
  - Becoming a Shellfish Producer
  - Quality and Safety Assurance
  - Siting Location (3 workshops)
- Local Fisheries Outreach
- NGO Outreach
- Interagency Pre-Application Meetings
- Project Website:  
[venturashellfishenterprise.com](http://venturashellfishenterprise.com)



# Permitting Process

## Permits Required

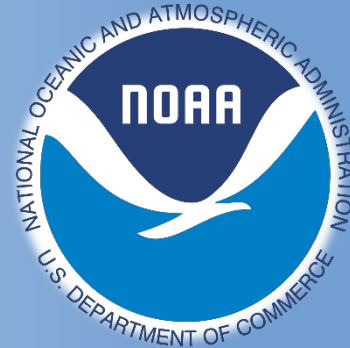
- U.S. Army Corps of Engineers
  - Individual Permit – Section 10 of the Rivers and Harbors Act
  - NOAA NMFS and USFWS Section 7 ESA Concurrence or Biological Opinion
- California Coastal Commission
  - Consistency Certification – Federal CZMA, California Coastal Act
- U.S. Coast Guard
  - Private Aids to Navigation (PATON) Approval
- U.S. FDA & NOAA-SIP
  - National Shellfish Sanitation Certification

The image shows several overlapping permit application forms. The most prominent one is 'Form P1 Application for permission to...'. It includes the following text: 'Please read this page first. Important: This form should NOT be used for the following types of application: Householder Application – Form PHD, Listed Building Consent – Form LB1, Conservation Area Consent – Form PCAC1, Advertisement Consent – Form A1'. Below this, it states: 'Before completing this form, please read the Notes on Applying for Planning Permission, Explanatory Notes on Matters and Other Planning Consents. It is your responsibility to ensure that all the information submitted is accurate and complete.' Another form visible is a 'Green Belt Area' form with a question: 'Does the application relate to the erection of a dwelling in a Green Belt Area?' with 'Yes' and 'No' options. A third form has a table with columns for 'Proposed additional replacement (n)' and 'Gross', and a row for 'Expected increase'.

# Permitting Process

## Health Regulations and Certification

- National Shellfish Sanitation Program (NSSP)
  - Federal/state cooperative program recognized by FDA through Interstate Shellfish Sanitation Conference (ISSC)
  - Participants include state agencies, FDA, EPA, NOAA, shellfish industry, academia, foreign governments (under agreement)
- NOAA's Seafood Inspection Program (SIP)
- Biotoxin Management and Contingency Plan (growing area plan)



# Permitting Process

## **Proposed Sub-Permitting Strategy**

- Permittee (Ventura Port District) solicit applications and authorize Growers (sub-permittee) to operate
- VPD approval → Corps Approval
- Grower complies with permit conditions
- VPD shares partial responsibility with agencies - monitoring, oversight, enforcement, project management

## **Benefits**

- Local agency approvals - streamline regulatory agency review
- Reduce individual Grower costs of obtaining permits
- Growers benefit from economies of scale
- Diversifies Growers able to enter the market

## **Examples**

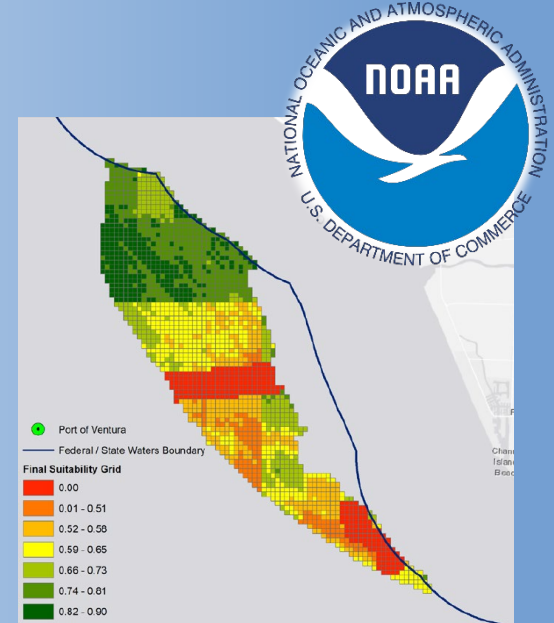
- Corps Programmatic General Permit for the South Sacramento Habitat Conservation Plan (SPK-1995-00386) and Washington Shellfish Aquaculture Letters of Permission



# Site Selection

## Partnership with Other Entities

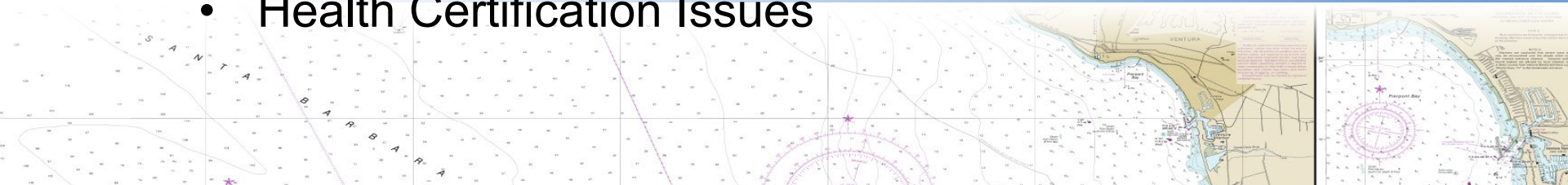
- UCSB Bren School
- NOAA Support
  - Aquaculture Siting Analyses
  - Tools and Technology
    - AquaData Catalog
    - Ocean Reports
    - National AquaMapper
    - Gulf AquaMapper
    - Marine Cadastre
    - Wave exposure model
    - Entanglement simulators
    - Environmental models



# Site Selection

## Federal vs. State Waters Issues

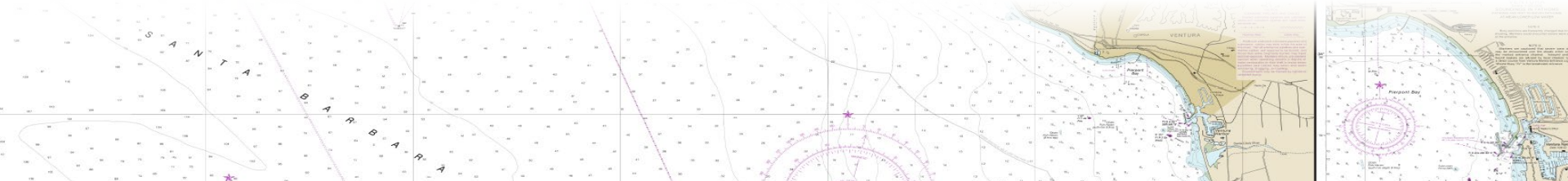
- **State Waters**
  - Opposition from Halibut Trawling Fishery
  - California Fish and Game Commission – water bottom lease moratorium
    - 25 years since issued new leases
    - Challenges processing aquaculture applications (serving as lead agency for CEQA, budget and staffing, regulatory and policy ambiguities, overall process and approach)
  - Funding of CEQA - Environmental Impact Report (EIR)
  - Environmental NGO concerns/threat of litigation
  - Ventura Local Agency Formation Commission (LAFCo) Approval
  - Health Certification Issues



# Site Selection

## Federal vs. State Waters Issues

- **Federal Waters**
  - LAFCo Opposition
  - Environmental NGO concerns/threat of litigation
  - Agency Concerns (California Coastal Commission)
  - Sub-Permitting Approval by Corps



# Site Selection

## Other Siting Considerations

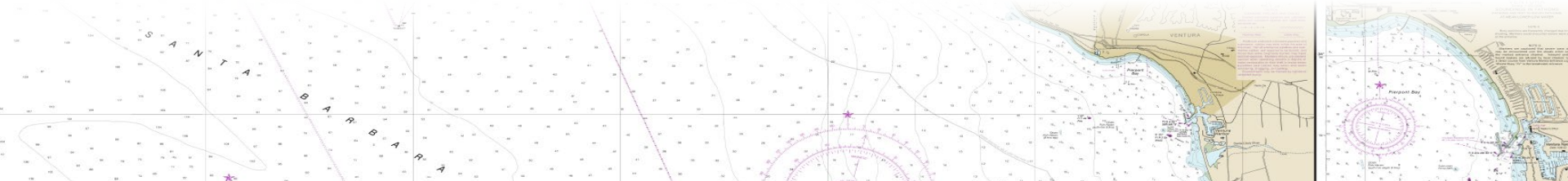
- Hazard Analysis
- Navigational Assessments
- Department of Defense
- Environmental Considerations
- Department of Interior - Bureau of Ocean Energy Management (BOEM) and Bureau of Safety and Environmental Enforcement (BSEE)



# Site Selection

## Key Recommendations

- **Start Site Selection Due Diligence Process Before Permitting Process**
- **Conduct Early Outreach to State and Federal Agencies to Gather Data**
- **Federal Agencies Appear Better Equipped to Process Offshore Aquaculture**



# Key Considerations

## Key Considerations

- Minimizing Potential Opposition
  - Fishing Interests
  - Environmental NGOs
- Environmental Considerations
  - Project Siting
  - Management Plans
  - Scientific Unknowns
- Operational Considerations
  - Equipment Inspections
  - Engineering Design



# Next Steps

## VPD Decision

- Conclusion: Cannot resolve LAFCO/NGO issue without litigation
- Supporting NOAA's establishment of an Aquaculture Opportunity Area in Southern California
- Formally withdraw applications
- Provide studies, reports, data to NOAA
- Seek opportunities to collaborate with aquaculture industry
- Vigorously advocate for aquaculture in the SB Channel
- Tools Developed by VPD/VSE
  - Over 90 studies/documents
  - <https://venturaharbor.com/ventura-shellfish-enterprise/>

