



## Board of Directors

Bridger Mitchell, Ph.D.  
*President*

Ken Drexler, Esq.  
*Vice-President*

Terence Carroll  
*Treasurer*

Cynthia Lloyd, PhD  
*Secretary*

Sarah Killingsworth, Esq.

Jerry Meral, Ph.D.

Claire Seda

David Weinsoff, Esq.

David Wimpfheimer

## Staff

Morgan Patton  
*Executive Director*

Ashley Eagle-Gibbs, Esq.  
*Conservation Director*

Jessica Reynolds Taylor  
*Development Director*

Patricia Wimpfheimer  
*Bookkeeper*

## Agenda Item Th5a

November 8, 2019

California Coastal Commission  
45 Fremont, Suite 2000  
San Francisco, CA 94105-2219  
*Via Electronic Mail: EORFC@coastal.ca.gov*

Re: Support Agenda Item Th5a  
Permit Application No. 9-19-1135 (Starbird Mariculture, Inc.)

Dear Coastal Commissioners:

The Environmental Action Committee of West Marin (EAC) was established in 1971 and our mission is to protect and sustain the unique lands, waters, and biodiversity of West Marin. EAC has a long history of advocating for the protection of Tomales Bay and for required best management practices for aquaculture cultivation. In the face of changing climate conditions, marine and legacy debris, and other environmental threats, we must be especially protective of sensitive habitats like Tomales Bay.

We submit the following comments generally supportive of the California Coastal Commission (Commission) staff recommendations regarding Agenda Item Th5a, Application No. 9-19-1135 (Starbird Mariculture, Inc.) (Starbird) for after-the-fact approval for mooring and use of twelve 224 square foot floating shellfish aquaculture rafts for the cultivation of Pacific oysters and proposed mooring and use of 360 square feet equipment storage barge on one acre of leased state tidelands.

EAC understands that “violations of the Coastal Act exist on the subject property, including, but not limited to, installation and use of unauthorized shellfish aquaculture equipment such as cultivation rafts, trays, and moorings.”<sup>1</sup>

---

<sup>1</sup> Commission Staff Report re. Agenda Item Th5a, October 24, 2019, page 11.

While EAC understands that after-the-fact permits are necessary under certain circumstances to bring operations into regulatory compliance, we would like to reiterate that we are generally not supportive of after-the-fact permitting. We place an importance on timely permit application and compliance. Issuance of after-the-fact permits has the potential to set a standard for operators to install cultivation equipment without initially seeking appropriate permits. With that in mind, we appreciate the efforts that have been made by Starbird and the Commission staff to bring Starbird's operations into permit compliance. In addition, the proposed permit also provides for additional Commission oversight, including Starbirds's required submittal of annual reports (Special Condition 3). We also support annual agency site visits including the Commission's recent visit in September, as there is a continuing need for oversight in the sensitive Tomales Bay environment.

EAC is fully supportive of Commission staff's recommendation to include Special Conditions 1 through 8 in the administrative permit. We are particularly supportive of the conditions aimed at habitat preservation (including Condition 5 - *Hazardous Material Spill Prevention and Response Plan*) and reductive of invasive species management (Special Condition 2 regarding biofouling) and protected species impacts (Special Condition 4 - *Intake System Design*). We also recognize the importance of marine debris reduction (Special Condition 6) through patrolling, comprehensive gear marking, staff training, and debris clean ups.

We are confident that the implementation of Special Conditions 1 through 8 proposed by Commission staff will help ensure sustainable aquaculture practices. These Special Conditions are consistent with other recent Commission aquaculture permits and amendments.

We thank Starbird for their efforts to come into compliance with the Coastal Act, and we recommend the Commission's approval of administrative permit application No. 9-19-1135, as conditioned. Thank you for your dedication to the protection of our priceless coastal resources and for this opportunity to comment.

Respectfully,



Morgan Patton  
Executive Director



Ashley Eagle-Gibbs  
Conservation Director