



March 30, 2020

The Honorable Henry Stern, Chair
Senate Natural Resources and Water Committee
State Capitol, Room 5046
Sacramento, CA 95814

RE: SB 1093 (Wiener) – OPPOSE

Dear Senator Stern:

The California Waterfowl Association (CWA) respectfully requests that you oppose SB 1093 (Wiener), which would effectively expand mariculture activities in coastal bays and estuaries.

While well intended, this legislation would threaten critical eelgrass areas that are relied upon by black brant and many other aquatic species, particularly those in Humboldt Bay which is home to at least 30 - 50% of the remaining eelgrass in California. Because of the significant historical decline in eelgrass, the National Oceanic and Atmospheric Administration (NOAA) has determined that there should be no net loss of this important habitat. Humboldt Bay's eelgrass beds host approximately 60% of the brant population during migration and over the winter. Brant subsist almost entirely on eelgrass and their numbers have declined to the point of extirpation in other parts of California where eelgrass has diminished or disappeared. Brant are also exceedingly sensitive to disturbance, including that from aquaculture operations.

The main problem with SB 1093 is that it removes California Coastal Commission (Commission) review from proposed aquaculture projects. The Commission helps ensure that any such projects do not significantly impact coastal resources like eelgrass and brant. The Commission not only has oversight over aquaculture, but any other projects that would have a significant impact on the coastal environment—even including habitat restoration projects. Carving out an exception from Commission review for one special interest is arbitrary and unfair to other project proponents.

SB 1093 would also increase the Department of Fish and Wildlife's (DFW) workload as it relates to reviewing proposed mariculture projects and managing that activity generally, but the bill fails to provide sufficient funding to accomplish this. DFW is already oversubscribed in terms of

its fish, wildlife and other natural resource responsibilities, and does not have enough funding to adequately carry out many of them. Adding new unfunded mandates will only compromise its other conservation activities.

In addition, the bill requires DFW each year for 5 consecutive years to designate at least 5 square miles of coastal waters for mariculture projects. This is arbitrary and could run counter to what the best available science dictates is an appropriate level of mariculture activity for California. On a similar note, mandating that DFW make a decision on a master permit application within a 4 month period is also arbitrary and does not take into consideration the significant time and effort that it takes to adequately analyze and review projects.

For these reasons, please oppose SB 1093 when it is considered by your committee.

Sincerely,



Mark Hennelly, Vice President of Legislative Affairs and Public Policy
California Waterfowl Association

cc: Members, Senate Natural Resources and Water Committee
The Honorable Scott Wiener, Senator, 11th District