



Proposed Resolution of the California Ocean Protection Council on Supporting the Update of the National Marine Fisheries Service’s California Eelgrass Mitigation Policy

September 17, 2020

WHEREAS the Ocean Protection Council’s *“Strategic Plan to Protect California’s Coast and Ocean 2020 – 2025”* Section 3.1.4 directs the OPC to “Work with partners to preserve the existing, known 15,000 acres of seagrass beds and create an additional 1,000 acres by 2025 by supporting projects that protect existing and potential eelgrass habitats as identified in habitat suitability mapping, consistent with the California Eelgrass Mitigation Policy”;

WHEREAS the National Marine Fisheries Service’s California Eelgrass Mitigation Policy recommends no net loss of eelgrass habitat function in California and has been an important tool in allowing California regulators to implement eelgrass protection and restoration since its implementation in 2014;

WHEREAS eelgrass ecosystems have been recognized as critical habitat for salmon, green sea turtles, Dungeness crab, and many other marine species;

WHEREAS climate change, urban development, and anthropogenic pollution threaten California eelgrass habitat, highlighting the need to protect, maintain, and enhance eelgrass systems and the ecosystem services they provide;

WHEREAS healthy and abundant eelgrass beds support California’s coastal economy and can be an important part of the state’s economic recovery;

WHEREAS emerging science identifies eelgrass habitats as an important component of a comprehensive climate adaptation strategy that can sequester carbon, attenuate storm surge and modify localized water chemistry making it less acidic;

WHEREAS California regulators have identified areas in the California Eelgrass Mitigation Policy that would benefit from additional clarity and detail to better allow full implementation of the policy to prevent no net loss of eelgrass habitat function;

WHEREAS further clarity on the requirements and priorities in the California Eelgrass Mitigation Policy would improve project proponent’s ability to effectively and efficiently plan for and implement the requirements of the policy;

WHEREAS the National Marine Fisheries Service is currently evaluating monitoring and survey data collected by federal agencies and action proponents to determine if updates to the California Eelgrass Mitigation Policy are appropriate as part of a 5-year review;

NOW, THEREFORE, the California Ocean Protection Council hereby:

RESOLVES that OPC staff will assist with gathering information and will facilitate conversations with California state regulators to support a comprehensive update to the California Eelgrass Mitigation Policy to provide additional clarity and detail that would improve outcomes for eelgrass, which include:

- Using the best available science to discreetly define mitigation ratios, buffer zones, and avoidance measures to effectively maintain and restore ecosystem function;
- Increasing the focus on the protection and restoration of degraded and historical eelgrass beds that are designated as Essential Fish Habitat;
- More clearly prioritizing avoidance of impacts above minimization and mitigation;
- Better defining adverse impacts to suitable eelgrass habitat and providing a mechanism for ensuring there will be places for eelgrass to migrate with sea level rise;
- Incorporating emerging science on the role eelgrass plays in mitigating climate change impacts (e.g. sea level rise, acidification, hypoxia, carbon flux, wave energy attenuation);
- Requiring baseline assessments to use multi-year surveys to account for inter-annual and seasonal variability.