



**UNITED STATES DEPARTMENT OF COMMERCE**  
**National Oceanic and Atmospheric Administration**  
NATIONAL MARINE FISHERIES SERVICE  
West Coast Region  
7600 Sand Point Way N.E.  
Seattle, Washington 98115

October 15, 2014

MEMORANDUM FOR: West Coast Region

FROM:   
William W. Stelle, Jr.  
Regional Administrator

SUBJECT: NMFS California Eelgrass Mitigation Policy and Implementing Guidelines

The California Eelgrass Mitigation Policy and Implementing Guidelines (CEMP) will serve as NMFS' guidance for recommendations concerning eelgrass impacts and management through essential fish habitat (EFH) consultations pursuant to the Magnuson-Stevens Fishery Conservation and Management Act (MSA), Fish and Wildlife Coordination Act (FWCA) consultations, and National Environmental Policy Act (NEPA) reviews throughout California. This policy and guidelines support but do not expand upon existing NMFS authorities under the MSA, FWCA, and NEPA. The intent of the CEMP is to help ensure consistent, effective, and appropriate mitigation of unavoidable impacts to eelgrass habitat throughout California.

Eelgrass provides important habitat functions for managed and protected species. Eelgrass habitat is one of the rarest marine habitats in California, with statewide abundance of 11,000-15,000 acres. The uneven distribution and narrow depth range within which eelgrass can occur places this habitat at risk in the face of global climate change, sea level rise predictions, and human activities. The importance of eelgrass both ecologically and economically, coupled with ongoing human pressure and potentially increasing degradation and losses associated with climate change, highlight the need to protect, maintain, and where feasible, enhance eelgrass habitat.

The CEMP includes a policy statement of no net loss of eelgrass habitat function in California. It also states that compensatory mitigation should be recommended for the loss of existing eelgrass habitat function only after measures to avoid and minimize potential project effects to eelgrass have been pursued to the maximum extent practicable. When compensatory mitigation is appropriate, options include comprehensive management plans, in-kind mitigation, mitigation banks, in-lieu-fee programs, and out-of-kind mitigation. The CEMP also includes a definition for eelgrass habitat and guidance regarding eelgrass surveys, impact avoidance and minimization, impact analysis, mitigation options, and implementation of in-kind mitigation. It is anticipated that the adoption and implementation of this policy will provide for enhanced success of eelgrass mitigation in California.



Development of CEMP was coordinated throughout the West Coast Region and with the NMFS Office of Aquaculture for consistency. In addition, the draft was provided to federal and state agency partners in California for review and comment, including the U.S. Army Corps of Engineers, U.S. Environmental Protection Agency, U.S. Fish and Wildlife Service, California State Water Resources Control Board, California Regional Water Quality Control Boards, California Department of Fish and Game, and California Coastal Commission.

The final CEMP, responses to comments received during public comment, and additional technical documents regarding eelgrass will be available on the NMFS West Coast Region website (<http://www.westcoast.fisheries.noaa.gov/habitat/conservation/index.html>).

For questions about or assistance with this guidance, please contact Korie Schaeffer in the California Coastal Area Office at 707-575-6087 or [korie.schaeffer@noaa.gov](mailto:korie.schaeffer@noaa.gov).