Staff Summary for April 16-17, 2025

2. General Public Comment for Items Not on the Agenda

Today's Item **Information ☒** **Action ☐**

Receive public comment regarding topics within the Commission's authority that are not included on the agenda.

Summary of Previous/Future Actions

- **Today receive verbal requests and comments** **April 16-17, 2025**
- Consider proposed actions on requests June 11-12, 2025

Background

This item is to provide the public an opportunity to address the Commission on topics not on the agenda. Staff may include written materials and comments received prior to the meeting as exhibits in the meeting binder (if received by the written comment deadline), or as supplemental comments at the meeting (if received by the supplemental comment deadline).

General public comments are categorized into two types: (1) requests for non-regulatory action and (2) informational-only comments. Under the Bagley-Keene Open Meeting Act, the Commission cannot discuss or take action on any matter not included on the agenda, other than to schedule issues raised by the public for consideration at future meetings. Thus, non-regulatory requests generally follow a two-meeting cycle (receipt and direction); the Commission will determine the outcome of non-regulatory requests received at today's meeting at the next regularly scheduled Commission meeting, following staff evaluation (currently June 11-12, 2025).

Significant Public Comments

1. New, non-regulatory requests are summarized in Exhibit 1, original requests are provided as exhibits 2-4.
2. Informational comments are provided as exhibits 5 through 29.

Recommendation

Commission staff: Consider whether to add any items to a future meeting agenda to address issues that are raised during public comment.

Exhibits

1. Summary of new non-regulatory requests received by April 3, 2025 at 5:00 p.m.
2. Email from Paul Alexander, requests the Commission address inequality and undue hardship for non-resident commercial fishermen by reducing commercial fishing license fees for non-residents to be more aligned with Oregon, Washington and Alaska, and to refund the 2023 and 2024 license fees since commercial salmon fishing was closed, received February 19, 2025
3. Letter from Mike Costello and Charles Whitwam, HOWL for Wildlife, requests the Commission support federal delisting of gray wolf in California and delist gray wolf

under the California Endangered Species Act, update the Department Gray Wolf Management Plan, authorize protocols that deter wolves from preying on livestock, identify the threat “subsidized” wolves present to humans and ecosystems, and develop a management strategy for wolves and Tule elk, received March 24, 2025 (also see Exhibit 27)

4. Letter from Stephen L. Cole, Assistant General Manager, Santa Clarita Valley Water Agency, provides commentary on the final listing of southern California steelhead and requests Figure 7 be corrected in a 2024 status report from the Department, or a disclaimer added stating it should not be used for regulatory purposes to prevent confusion, received February 11, 2025
5. Email from Elsa Gernand, requests the Commission to vote that endangered species listing of burrowing owls may be warranted, received February 10, 2025
6. Email from Patricia McPherson, submitted after the public comment deadline, disagrees with and contests elements of the staff report regarding petition 2021-026, Ballona Wetlands Ecological Reserve, scheduled for consideration at the February Commission meeting, received February 10, 2025
7. Email from John Davis, after public comment deadlines submitts supporting documentation for the review of petition 2021-026, Ballona Wetlands Ecological Reserve, during the February Commission meeting, received February 11, 2025
8. Email from Patricia McPherson, states that the staff report for petition 2021-026 contradicts a 2017 letter from the Department concerning unmet and required freshwater flows into Ballona Wetlands Conservancy Riparian Corridor and Marsh Mitigation Area, and requests the commission's assistance in protecting Ballona Wetlands Ecological Reserve freshwater resources, received February 12, 2025
9. Email from Andrew Hutton, emphasizes that limiting public comment time during the February Commission meeting for Agenda Item 22, Recreational Take of Barred Sand Bass, did not allow affected parties who are opposed to the proposed regulations, especially business owners who may be adversely affected, the time needed to express their concerns, received February 13, 2025
10. Email from Captain Cameron Smith, makes a call for action to save salmon and other anadromous fishery populations for commercial and recreational fisherman, laying blame for fisheries declines on the Commission, inadequate enforcement of the Central Valley Improvement Act, too much water delivery to southern California, executive orders that appear to favor agri-businesses, etc., received February 13, 2025
11. Email from Jolene Bell, appreciates the work of wildlife rescues and rehabilitation centers, calling them invaluable, and supports continued policies and funding that help sustain ongoing efforts for their essential animal care, received February 25, 2025
12. Letter from Jack Likins, shares a letter addressed to Wade Crowfoot regarding California’s marine resources management and protecting vital marine ecosystems. They outline key concerns and proposed strategies to mitigate identified issues, such as prioritizing marine pollution reduction, streamlining regulatory processes for adaptive management, enhancing collaborative action plans and data sharing, and shifting fisheries management toward sustainability and away from closure. Received February 26, 2025

13. Email from Phoebe Lenhart, requests initiating use of pop-up crab traps promptly and, if money is causing the delay, suggests offering a financial incentive such as a recycling initiative to exchange existing crab traps for pop-up pots, thus reducing whale and sea turtle entanglements along the California and Oregon coastlines, received February 27, 2025
14. Email from Linda Middlesworth, supports a ban on live markets due to animals suffering in those environments and the risk of transmitting diseases, received February 27, 2025
15. Email from Nicole Heslip, opposes the proposed mariculture lease [San Andreas Shellfish] in Tomales Bay, citing anticipated significant ecological risks that threaten sensitive habitats and native wildlife through habitat displacement, operational disturbances, and potential invasive species introduction, received February 28, 2025
16. Email from Jeff Ostergard, forwards a letter sent to the Sierra Nevada Bighorn Sheep Foundation newsletter editor disputing deer and mountain lion facts published in the December 2024 Sierra Nevada Bighorn Sheep newsletter, received February 28, 2025
17. Letter from Steve Rebuck, circulates a letter to Wade Crowfoot, following Jack Likin's letter (Exhibit 13), reinforcing multiple concerns, including about California's marine resource management, bureaucratic and disrespectful processes, omissions of historical data and information, and the unwillingness of Department staff to collaborate on fisheries management with abalone fishermen. He also highlights his father's and his own abalone diving background's influences on his advocacy for fishermen's rights, received March 3, 2025
18. A compilation of emails from Tom Hafer, President, Morro Bay Commercial Fisherman's Organization, each transmitting articles, reports or surveys related to the impacts of offshore wind energy farms and potential conflicts between protected areas and elements of proposed wind energy development, received between March 7 and March 27, 2005
19. Letter from Heather Minner, Attorney, Shute, Mihaly, & Weinberger, LLP, retained by the Public Lands Conservancy and the Environmental Action Committee of West Marin urges the Commission to study the potential impacts of the proposed San Andreas Shellfish Company's aquaculture operations through an environmental impact report under the California Environmental Quality Act and a joint environmental impact statement under the National Environmental Policy Act. The firm requests that staff re-evaluate its initial determination that the lease application meets legal requirements under existing laws, received March 10, 2025
20. Email from Jerry Taggart, reports submitting a proposal to Florida Fish and Wildlife Conservation Commission to adopt a chumming flag to deter shark encounters, and asks that the Commission consider adding the flag to provide information to others about where sharks may be present and searching for food, received March 10, 2025
21. Email from Donna Kalez, provides an article about fishing off the San Clemente Pier, acknowledging the Department's Region 5 Fishing in the City Coordinator Brian Young and his volunteers for their support, received March 12, 2025
22. Letter from the City of Berkeley to Governor Gavin Newsom, copying the Commission, transmits Resolution No. 71, 673-N.S., adopted by the Berkeley City Council on

February 25, 2005, "…Supporting the Free and Safe Passage of Whales, Sea Turtles and other Marine Animals in the San Franciso Bay Area's Coastal Waters and the State of California's Vision Zero Target of Zero Mortality for Whales and Sea Turtles," and supporting on-demand, pop-up fishing gear to prevent deadly entanglements, received March 13, 2025

23. David Willett, President and Founder, Santa Barbara Sea Ranch, requests to pause processing of his application for a state water bottom lease for aquaculture purposes offshore Santa Barbara, received March 15, 2025
24. Email from Matt Hennessy, transmits an article proposing the use of birth control, as implemented in Malawi's lion management, as a potential solution for California's wolf populations, received March 24, 2025
25. Email from Robert, expresses that northern California faces challenges with wolves and other predator populations, including a significant increase in bobcats and frequent mountain lion sightings, received March 27, 2025
26. Email from Jan Lee, reports that they documented fires at Moss Landing battery storage plants, highlighting citizen and wildlife exposure to toxic smoke, and raises concerns about earthquake safety after a 7.0 magnitude event. Acknowledging the value of battery storage for energy conservation, these specific units located near Elkhorn Slough Ecological Reserve should be removed due to safety risks, received March 27, 2025
27. Email from Mike Costello, HOWL for Wildlife, supplies a petition with 305 signatures in support of updating the California wolf management plan, received March 28, 2005 (also see Exhibit 3)
28. Email from Eric and Rosario Ballatore, advocates the San Andreas Shellfish Company proposal, emphasizing the positive impact on rural communities through healthy food production and the creation of jobs, received March 29, 2025
29. Email from Corrine Martinez, endorses the San Andreas Shellfish Company proposal, citing fond memories of the quaint fishing community and its oysters, believing it will positively impact both residents and beach campground visitors, received April 2, 2025

Motion (N/A)

CALIFORNIA FISH AND GAME COMMISSION
RECEIPT LIST FOR NON-REGULATORY REQUESTS RECEIVED BY 5:00 PM ON APRIL 3, 2025 PUBLIC COMMENT DEADLINE FOR THIS MEETING

Date Received	Name/Organization of Requestor	Subject of Request	Short Description	FGC Receipt Scheduled	FGC Action Scheduled
2/19/2025	Paul Alexander	Reduce License Fees	Requests the Commission reduce commercial fishing license fees for non-residents.	4/16-17/25	6/11-12/25
3/24/2025	Mike Costello Charles Whitwam HOWL for Wildlife	Wolf Management	Requests the Commission support federal delisting of gray wolf in California and delist gray wolf under the California Endangered Species Act, update the Department Gray Wolf Management Plan, authorize protocols that deter wolves from preying on livestock, identify the threat "subsidized" wolves present to humans and ecosystems, and develop a management strategy for wolves and Tule elk.	4/16-17/25	6/11-12/25
2/11/2025	Steve Cole, Santa Clarita Valley Water District	Southern California Steelhead	Requests Figure 7 in a 2024 Department staff report be corrected or a disclaimer added stating it should not be used for regulatory purposes otherwise, confusion will persist	4/16-17/25	6/11-12/25

Outlook

Non-resident commercial fishing license fees

From [redacted] <[redacted]>
Date Wed 02/19/2025 03:31 PM
To FGC <FGC@fgc.ca.gov>

Dear Ms. Miller-Henson,
My name is Paul Alexander, and I am a commercial fisherman from Oregon. Please consider the following letter. I have a concern regarding the inequality and undo hardship for out-of-state commercial fisherman paying exorbitant license fees. Following are what commercial salmon trollers must pay this year.
2025 Resident $ 805.35
2025 Non-resident. $2,099.49
Non-residents pay nearly 62% higher fees than residents. This makes an undo hardship for us to make a living in California.
Secondly, we were forced to renew our licenses in 2023 and 2024 or lose them, even though fishermen were not allowed to fish either year.
I'm sorry that I must write this letter, but the inequities and forced renewals have brought me to this point. In the past, for three years, the state did bring our non- resident license fees down to reach a more equitable balance. It helped a lot. But for reasons unknown to me, the state went back to charging extremely higher fees to non-residents. California forces non-residents to pay a much higher fee than Alaska, Washington, and Oregon. It is hurting us. Please help bring this back into balance and lower our fees. And please try to return the license fees we were forced to pay in spite of no seasons in 2023 and 2024. Thank you for your consideration and time.
Sincerely,
Paul Alexander F/V Eagle-Eye

Outlook

Request for Updated Wolf Mgmt Plan: Sustainable Policies, Practices and Path Forward

From Mike Costello <mike@howlforwildlife.org>
Date Mon 03/24/2025 02:56 PM
To FGC <FGC@fgc.ca.gov>
Cc Crowfoot, Wade@CNRA <Wade.Crowfoot@resources.ca.gov>; Senator_Padilla@padilla.senate.gov <Senator_Padilla@padilla.senate.gov>; correspondence@schiff.senate.gov <correspondence@schiff.senate.gov>; Charles Whitwam <charles@howlforwildlife.org>

cc: Senator Alejandro Padilla, Senator Adam Schiff, Secretary Wade Crowfoot

Fish & Game Commission Staff,

Please share the attached letter with the Commissioners and CDFW leadership.

HOWL for Wildlife continues to be concerned about the ecosystem imbalance caused by wolves in California. Wolves are subsidized by human provided food sources, and there is no effective deterrent allowed in the current management framework. The resultant threat to wildlife and human communities in California is severe. The economic & social costs are not sustainable or equitable.

The attached letter will be shared with California communities, leaders and constituents. We will keep you informed as 100s or even 1000s of concerned citizens join this call to action.

Sincerely,
Mike Costello
Charles Whitwam
HOWL for Wildlife

Submitted via email to fgc@fgc.ca.gov

March 20, 2025

President Erica Zavaleta
California Fish and Game Commission
P.O. Box 944209
Sacramento, CA 94244-2090

Request for Updated Wolf Manage Plan: Sustainable Policies, Practices and Path Forward

President Zavaleta, Commissioners and CDFW Leadership:

We write to you out of respect for the balance between wildlife conservation and the well-being of California's rural communities, our economy, and the intrinsic right for all humans to participate safely, sustainably and deeply in nature. We all share a desire to see ecosystems flourish. To achieve this common goal, we must recognize and proactively address imbalance and inequity, before they develop into crisis and failed systems. Wolves recolonizing California present a charismatic vision. However the practical and functional reality for individuals, communities, our agricultural and food security, and our wild ecosystems may be less encouraging.

A growing and diverse group of stakeholders from throughout California is concerned about wolves' proximity to, and negative impacts on, people, livestock, and struggling prey species. Managing wolves effectively now will reduce the severity of conflict in the future. Managing wolves now will reduce the severity of measures needed in the future. Managing wolves now will reduce the geographic scope of impacts to Californians in the future as well.

With shared goals and heightened concern in mind, we respectfully request the following actions:
1. **Actively Support Federal Delisting of Wolves in California:** California deserves the right to sustainably manage wildlife and wolves, independently and without Federal intervention.
2. **Promptly Update the Gray Wolf Management Plan:** the current plan documents are 10+ years old, drafted before wolves entered California. With 100+ wolves on the landscape, wolf activity in 10 counties, and other states' experience since 2015, there is new data to learn from.
3. **Establish a data-driven path for removing the Gray Wolf from CESA Endangered Status:** to maintain social tolerance for wolves, to maintain successful and thriving livestock production and to support thriving and diverse ecosystems, we must have a defined framework which leads to practical, purposeful, sustainable, and regulated management of wolves.
4. **Identify the threat subsidized wolves present to humans and ecosystems:** we must establish a management framework that prioritizes wild wolves on wild landscapes, and minimize the incidence of subsidized wolves and habituation to humans, human settled areas and human provided food sources. Subsidized wolves are not wild. Their presence will negatively impact California's rural and mountain economies. Subsidized wolves have amplified impacts on their native prey base (deer, elk, antelope) which are already struggling in many areas of California.

5. **Proactively define a management strategy with regards to wolves and Tule Elk:** the recovery of Tule Elk in California is an unmatched conservation success. Wolves will eventually find their way into our Tule Elk herds. While wolves' decimation of Yellowstone's elk herd is celebrated, California does not have an excess of prey for wolves to correct. Do California leaders believe the communities with abundant elk would prefer wolves in their yards, ranches and rangelands?
6. **Enable realistic and proven protocols that deter wolves from preying on livestock:** ranchers cannot be expected to stand idle as their animals are torn to pieces in winter pasture or hunted and run for miles every night while on their summer range. Along with numerous non-lethal strategies, fear of humans has proven to be a significant factor in reducing depredation.

Frequent observations of wolves in California suggest that official counts underestimate actual numbers. This is expected, and underreporting will become greater as wolves continue to breed and disperse. Wolves throughout their current range demonstrate a lack of wariness and habitually target livestock. When wolves lose their natural caution and consistently prey on domestic animals, proactive measures—including the possibility of lethal removal for confirmed problem wolves—may be necessary. Taking action now can deter future conflicts and maintain public support for wolves on the landscape.

Hunters, who are deeply invested in conservation and ecosystem success, fear the impact on already stressed deer, elk, and antelope herds. California already offers no effective management of black bears and mountain lions. Hunters' concerns aren't rooted in hostility toward predators, but in ensuring balanced and healthy ecosystems, and high cultural value for abundant ungulate herds. Unchecked wolf activity will undermine these herds, complicating California's wildlife management goals.

Refreshing the management plan, establishing a path to delisting and regulated management, enabling effective deterrents, and clarifying legal authority for hazing and removal of problem wolves, will empower communities to coexist with wolves sustainably. Acknowledging that lethal removal will sometimes be required is part of responsible stewardship. We must ensure wolves remain truly wild and in balance with the people and other wildlife of California.

In lieu of a formal Petition to the Commission, we seek your proactive leadership on the above requests. Sincerely,

Mike Costello
Charles Whitwam
HOWL for Wildlife

CC: Senator Adam Schiff
Senator Alejandro Padilla
Secretary Wade Crowfoot, California Natural Resources Agency

HOWL FOR WILDLIFE

www.*howlforwildlife*.org

Outlook

SCV Water Agency Comment Letter on Final Listing of Southern Ca Steelhead

From Eunie Kang <ekang@scvwa.org>
Date Tue 02/11/2025 11:37 AM
To FGC <FGC@fgc.ca.gov>
Cc Steve Cole <scole@scvwa.org>

Dear Ms. Samantha Murray, President and Members,

Please find attached SCV Water Agency's comment letter on the Final Listing of Southern California Steelhead.

If you have any questions, please contact Steve Cole, Assistant General Manager who is cc'd on this email.

Kind regards,

EUNIE KANG
Administrative

26501 Summit Circle, Santa Clarita, CA 91350
Office: 661.297.1600
Email: **ekang@scvwa.org**

February 10, 2025

VIA EMAIL fgc@fgc.ca.gov

Ms. Samantha Murray, President & Members California Fish and Game Commission
P.O. Box 944209 Sacramento, CA 94244

Dear President Murray and Members:

RE: Comments on the Final Listing for Southern California Steelhead

Santa Clarita Valley Water Agency (SCV Water) understands that the California Fish and Game Commission (Commission) plans to adopt written findings to codify its determination at its February 2025 meeting that listing of the Southern California Steelhead is warranted. SCV Water previously provided written comments on the Petition to List the Southern California Steelhead on April 4, 2024 (Attachment 1).

To summarize our previous comments, SCV Water has identified what appears to be an error in Figure 7 of CDFW's 2024 Status Report ("Figure 7", see page 43). The figure shows "current" and "suspected current" distribution of Steelhead extending within the mainstem of the Santa Clara River eastward of the Piru Dry Gap into the upper basin and south fork tributaries of the Santa Clara River within Los Angeles County. A fundamental concern with Figure 7 is that the Status Report does not disclose any references, justification, underlying occurrence or observation data, or basis for the various occurrence determinations depicted in the figure's stream bodies. SCV Water has seen no evidence either within the Status Report or within any other literature that would support the distribution expressed in this figure either for existing populations or historic populations. We have reviewed the text of the Status Report, and we have done a deep review of the references identified in the Status Report and other available information and have found no confirmed indication of the presence of Steelhead ever occurring east of Piru Dry Gap. A technical memorandum prepared by ESA was submitted in April 2024 summarizing the investigation of supporting documentation.

Thus, SCV Water at the letter submitted in April 2024 requested that the 2024 Status Report be corrected to show "potential" not actual species presence in these SCR reaches in Los Angeles County, and to indicate that the maps are illustrative and should not be used for regulatory purposes, such as determining when it would be appropriate to address the species under CEQA or in environmental permitting evaluations.

Despite assurances from CDFW staff and the Commissioners, SCV Water is concerned that the Commission's findings may not reflect that Figure 7 should only be considered as illustrative and should not be used for regulatory purposes. SCV Water thus reiterates our request to correct Figure 7, or at a minimum, include in the findings a clear statement that the figures in the 2024 Staff Report are not to be used as a basis for determining the current distribution of the species for regulatory purposes. Absent that correction, confusion regarding the actual historical and current distribution of the species and the proper use of Figure 7 will inevitably continue.

Once again, we thank you for the opportunity to provide these comments and look forward to working with CDFW and the Commission. For any questions, please contact the undersigned at 661-705-7915, or scole@scvwa.org.

Sincerely,

Stephen L. Cole
Assistant General Manager
Santa Clarita Valley Water Agency

Enclosed:

Attachment 1 – Attachment 1 – SCV Water previous comment letter dated April 4, 2024

Attachment 2 – ESA Technical Memorandum: Review of Current and Historical Oncorhychus mykiss Occurrences in the Upper Santa Clara River Watershed (Los Angeles County)

April 4, 2024

VIA EMAIL fgc@fgc.ca.gov

Ms. Samantha Murray, President & Members
California Fish and Game Commission
P.O. Box 944209
Sacramento, CA 94244

Subject: Comments on the California Department of Fish and Wildlife Status Report submitted for consideration by the Fish and Game Commission regarding the California Endangered Species Act Status Review of Southern California Steelhead

Dear President Murray and Members:

The Santa Clarita Valley Water Agency (SCV Water) is a California Special District providing water supply services to 278,000 people living in the Santa Clarita Valley in northern Los Angeles County. SCV Water, created in 2018 by Senate Bill 634, strives to create a "one watershed" approach and regional perspective on watershed-wide issues. This letter provides comments on the "California Endangered Species Act Status Review for Southern California Steelhead (*Oncorhynchus mykiss*)" (Status Report) prepared and submitted by the California Department of Fish and Wildlife in January 2024 for consideration by the California Fish and Game Commission. We understand that the Status Report has been prepared in anticipation of the Commission's evaluation whether listing of the Southern California Steelhead (*Oncorhynchus mykiss*) is warranted under the California Endangered Species Act (CESA).

In reviewing the Status Report, SCV Water has identified what appears to be an error in Figure 7 (see copy of Figure 7 below, highlighting the area of our concern). The figure shows in blue lines the "current" and "suspected current" distribution of Steelhead extending within the mainstem of the Santa Clara River eastward of the Piru Dry Gap into the upper basin and south fork tributaries of the Santa Clara River within Los Angeles County. A fundamental concern with Figure 7 is that the Status Report does not disclose any references, justification, underlying occurrence or observation data, or basis for the various occurrence determinations depicted in the figure's stream bodies. SCV Water has seen no evidence either within the Status Report or within any other literature that would support the distribution expressed in this figure either for existing populations or historic populations. We have reviewed the text of the Status Report and we have done a deep review of the references identified in the Status Report and other available information and have found no confirmed indication of the presence of Steelhead ever occurring east of Piru Dry Gap. The attached whitepaper prepared by ESA summarizes the investigation of supporting documentation.

Due to the lack of substantiated evidence of steelhead occupation in the upper watershed, we can only surmise that this determination was made based on the absence of man-made passage impediments in the mainstem. However, lack of barriers is not a determination of presence. Further, this same logic is not applied consistently in Figure 7 (or other distribution figures in the Status Report) where numerous other streams have no passage barriers yet are shown only as historically occupied.

We request that the error in Figure 7 (shown in the attached figure) be corrected to indicate no designation for the mainstem or tributaries of the Santa Clara River eastward of the Piru Dry Gap (approximately the Ventura/Los Angeles County line). If CDFW does not concur that Figure 7 is inaccurate, we request an explanation of the following questions prior to proceeding further with the CESA process.

1) We request that data be provided substantiating the “current” and “suspected current” presence of Steelhead anywhere east of the Ventura County line.
2) We request definitions of “current”, “suspected current”, “historical”, and “suspected historical” used in the Status Report.
3) We request a description of the methodology used by CDFW to assign geographies for these distribution categories in the Upper Santa Clara River watershed.
4) We request a meeting with CDFW to discuss the data substantiating the assignment of distribution categories in the Upper Santa Clara River.

Thank you for your consideration of our comments, and we look forward to receiving responses prior to any action being taken by the Commission.

Sincerely,

Stephen L. Cole
Assistant General Manager
Santa Clarita Valley Water Agency

Enclosed

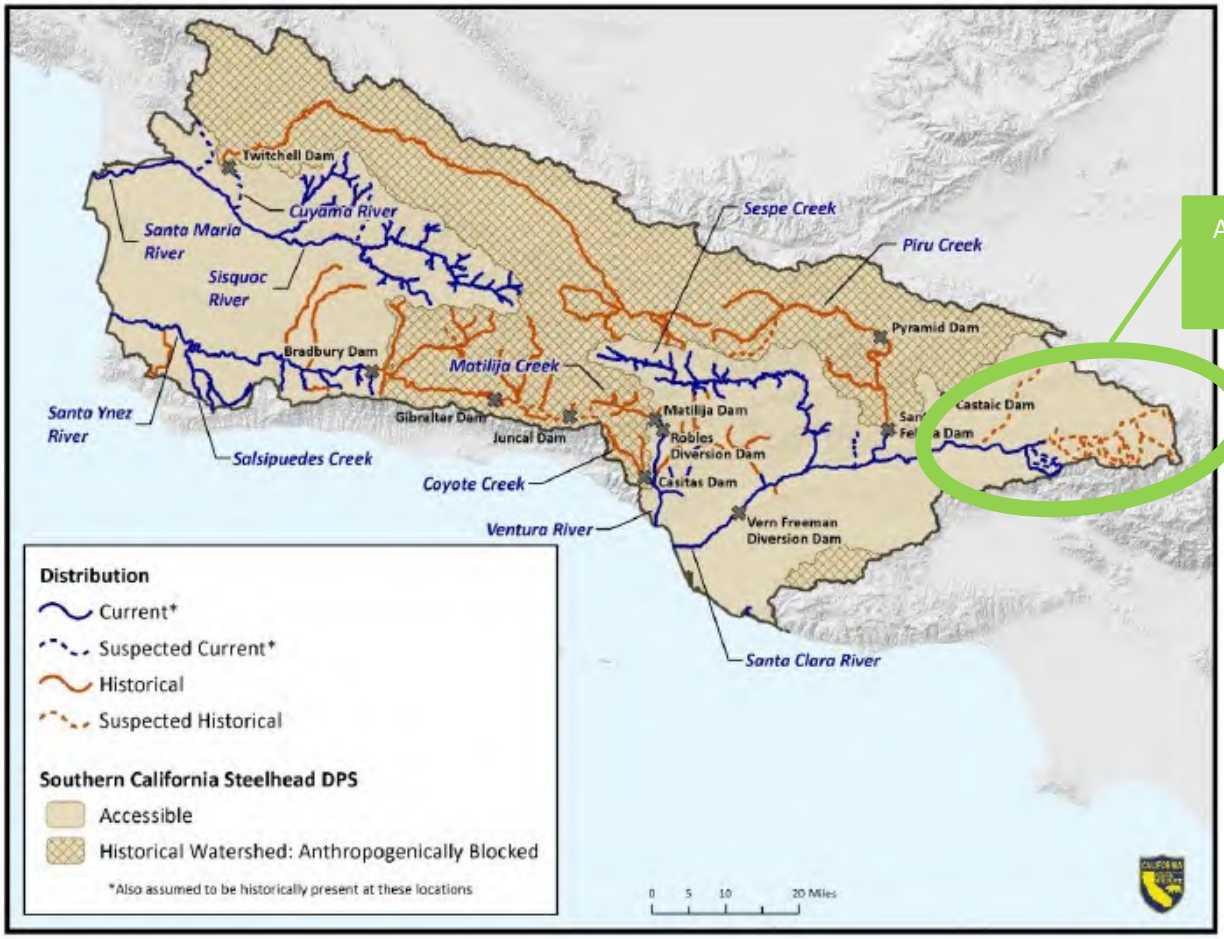

Figure 7. Map of the Monte Arido Highlands BPG depicting known and suspected current and historical distribution.

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ESA

2945 Towngate Road
Suite 200
Thousand Oaks, CA 91361
805.914.1500 phone

esassoc.com

memorandum

date	April 2, 2024
to	Santa Clarita Valley Water Agency
cc	
from	Joel Mulder
subject	Review of Current and Historical Oncorhychus mykiss Occurrences in the Upper Santa Clara River Watershed (Los Angeles County)

Purpose

ESA has prepared this technical memorandum (memo) for Santa Clarita Valley Water Agency to review and document available information on the current and historical distribution of *Oncorhynchus mykiss (O. mykiss)*, including both the anadromous (southern California steelhead, referred to as steelhead herein) and resident (rainbow trout) life history forms of the species, in the upper Santa Clara River watershed within Los Angeles County (i.e., the watershed upstream of the Piru Dry Gap[1]). Information from a variety of sources is summarized in this memo, including biogeographic datasets, state and federal documents, peer-reviewed publications, historical source compilations, non-governmental organization information, and survey data.

Biogeographic Datasets

A query of California Department of Fish and Wildlife (CDFW) California Natural Diversity Database data (both processed and unprocessed data) found no documented occurrence of steelhead in the Santa Clara River watershed upstream of the Piru Creek confluence.

The CDFW Biogeographic Information and Observation System online mapping tool (BIOS) layers for steelhead range and distribution offer conflicting mapping of southern Steelhead distribution, as described below.

Winter Steelhead Range (ds699).

This dataset, developed by CDFW, contains all CalWater 2.2.1 Planning Watersheds where CDFW has documented winter run steelhead to be present (representing planning watersheds intersecting the known distribution, which is based on where the species has been observed and reported) during or after 1990. This

[1] Beginning about 3.5 river miles downstream of the Los Angeles - Ventura County line, the Santa Clara River surface flow is infiltrated into the underlying eastern Piru groundwater basin. Surface flow reappears approximately 6 miles downstream, past the confluence of Piru Creek. The river is dry through this reach most of the year, with water present only when rainfall events create sufficient stormwater runoff into the river (GSI 2008, LARWQCB 2007). This dry ephemeral reach of the river is informally known as the "Piru dry gap" in the Santa Clara River.

dataset does not show winter steelhead range as occurring in the Santa Clara River watershed upstream of the Piru Creek confluence.

Winter Steelhead Distribution (ds340)

This dataset, developed by CDFW, depicts observation-based stream-level geographic distribution of anadromous winter-run steelhead in California. It was developed for the express purpose of assisting with steelhead recovery planning efforts. The distributions reported in this dataset were derived from a subset of the data contained in the Aquatic Species Observation Database (ASOD), a Microsoft Access multi-species observation data capture application. Data source contributors, as well as CDFW fisheries biologists, have been provided the opportunity to review and suggest edits or additions during a recent review. Data contributors were notified and invited to review and comment on the handling of the information that they provided. The distribution was then posted to an intranet mapping application, and CDFW biologists were provided an opportunity to review and comment on the dataset. During this review, biologists were also encouraged to add new observation data. The dataset does not show steelhead distribution as occurring in the Santa Clara River watershed upstream of the Piru Creek confluence.

Southern California Steelhead Range (ds1290)

This dataset, developed by the University of California at Davis (U.C. Davis), shows a species extant range layer for steelhead by HUC12 watersheds based on datasets and interpreted by PISCES, which is software and data describing the best-known ranges for California's 133 native fish and numerous non-native fish. PISCES "models" presence, with corresponding probabilities if appropriate, based on expert opinion and observation data. PISCES biogeographic modeling outcomes reflect environmental and anthropogenic variables that "predict" where a given species may occur (Santos et al. 2014). The metadata for the layer describes the references for the datasets interpreted by PISCES as Moyle, Quinines and Bell (expert opinion) and NMFS Southern California Steelhead ESU Current Stream Habitat Distribution Table.pdf. It is not clear what the source is for the NMFS current stream habitat distribution table.

There are two primary layers in the PISCES model for steelhead. One is HUC12 watersheds with observations of *O. mykiss*. No HUC12 watersheds upstream of the Piru Creek confluence are shown as having positive observations. The other layer is a "historical expert" layer, which depicts HUC12 watersheds where steelhead occurred historically based on expert opinion. This layer shows steelhead occurring in the HUC12 watersheds containing the mainstem from Piru Creek upstream to about Soledad Canyon, and Castaic Creek, based on expert opinion but not on observational data.

Coastal Steelhead Trout Watersheds (ds962)

This dataset, developed by CDFW, provides a minimal set of watershed fields used to identify coastal steelhead management units. This data set is an extract of the California Watershed (CalWater) dataset. It has been generalized to hydrologic sub-areas for those watersheds that are considered part of the coastal steelhead range. However, the source data for the inclusion of hydrologic units in the "coastal steelhead trout range" is not cited or referenced in the dataset metadata. The dataset depicts hydrologic units in the upper Santa Clara River basin (upstream of the Piru Creek confluence) as coastal steelhead watersheds.

Federal and State Documents

Federal Endangered Species Act designated critical habitat for southern California steelhead in the Santa Clara River watershed extends from the Pacific Ocean, upstream the main Santa Clara River to the confluence with Piru Creek; critical habitat in the Santa Clara River does not extend beyond the confluence with Piru Creek (70 FR 52487).

In the NMFS population characterization for steelhead recovery planning, the discussion of the Santa Clara River states "The available evidence suggests that steelhead have been limited to the western part of the Santa Clara basin (Kelley 2004)" (Boughton et al. 2006). The document uses Boughton and Goslin's (2006) over-summering habitat model (described below) as the basis for its findings.

Boughton and Goslin (2006) developed a model of potential steelhead over-summering habitat using the method of environmental envelopes. Under the envelope method, predicted habitat is the set of stream segments falling within the same range of conditions that encapsulate the known occurrences of the species. In the discussion of results from the Los Angeles Basin, the authors note "The model predicted a distinct patch of potential habitat in the far eastern end of the Santa Clara basin (upper right quadrant, east of Newhall). This did not conform to expectations. Reports from the area suggested that steelhead were confined to the western end of the Santa Clara system. Visits to the eastern area between Newhall and Palmdale indicated that this area is drier than implied by the model, due to a rain-shadow effect from the San Gabriel Mountains (C. Swift, personal communication, Entrix). It probably did not contain potential habitat in reality". In their discussion of the model's environmental envelope outputs, the authors note that the Southern California Coast ESU[2] may have more false positives (warm areas with no potential for thermal refugia), but that these false positives may occur at a finer resolution than addressed by the model. In other words, the model may indicate suitable habitat in some areas of Southern California where in reality temperatures and lack of thermal refugia preclude steelhead occurrence.

In NMFS' 2023 5-Year Review for the species, there is no mention of areas of the Santa Clara River watershed upstream of the Piru Creek confluence (NMFS 2023). In the Southern California Steelhead Recovery Plan (NMFS 2012) discussion of current watershed conditions the only mention of the Santa Clara River watershed upstream of the Piru Creek confluence is that "Fish passage is further impacted by the operation of Castaic Dam on Castaic Creek". Table 2-1 of the Recovery Plan lists the Santa Clara River watershed as historically occupied by steelhead, citing Becker et al. 2009, Boughton et al. 2005, and Titus et al. 2010 (NMFS 2012). A discussion of those sources is provided below, with a focus on historical occurrences in the upper watershed.

Boughton et al. (2005) assessed the current occurrence of anadromous *O. mykiss* in each coastal basin of southern California in which it occurred historically. While the current and historical occurrences in the Santa Clara River are not described specifically in the memorandum, Figure 4 shows the historic distribution of spawning and rearing basins for steelhead in southern California. The figure shows the Santa Clara River basin up to approximately the Ventura-Los Angeles County line as historically occupied. The figure notes that shading of entire basins implies only that steelhead occurred somewhere, not necessarily everywhere, in a basin. The source

[2] Listed steelhead are now referred to as a ''distinct population segment'' (DPS), which is not recognized in the scientific literature. In 1991, NMFS issued a policy for delineating Pacific salmon DPS (56 FR 58612; November 20, 1991). Under this policy a group of Pacific salmon populations is considered an ''evolutionarily significant unit'' (ESU) if it is substantially reproductively isolated from other conspecific populations, and it represents an important component in the evolutionary legacy of the biological species. Further, an ESU is considered to be a DPS (and thus a ''species'') under the ESA.

for the historical occurrence data for the figure is noted as Titus et al. 2003, Stoecker et al. 2002, and a third source which was omitted from the figure description (text is cut off). Further discussion of Titus et al. is provided below. Stoecker et al. (2002) is a report on steelhead assessment and recovery opportunities in southern Santa Barbara County as is not relevant to the Santa Clara River.

The Titus et al. 2003 in preparation document cited in Boughton et al. 2005 and Titus et al. 2010 in preparation document cited in the species recovery plan (NMFS 2012) is cited as several sources under different publication years as the document has been in draft form with various updates for some time. As of April 2, 2024, the manuscript is still a draft[3]. The report provides stream-specific information on steelhead in central and southern California gathered from three main sources: (1) A literature search of pertinent journal articles, CDFW (known as California Department of Fish and Game until 2013) administrative reports and fish bulletins, and other resource agency, university, and consultant publications; (2) Resource agency files, especially CDFW stream survey files; (3) Interviews conducted with professional biologists, academicians, and representatives of sportfishing organizations and other special interest groups for information from personal files, and anecdotes based on personal observations. The report's description of the Santa Clara River Headwater Tributaries in Los Angeles County states no historical evidence of steelhead runs. San Francisquito Canyon and Soledad Canyon are noted as two streams for which there are CDFW records for rainbow trout presence and/or stocking dating back to circa 1930.

Non-Governmental Organization Resources

Becker et al. (2009) summarizes historical accounts of *O. mykiss* in streams south of San Francisco Bay based on thousands of documents in public and private collections, and interviews with biologists. Only three areas in the upper Santa Clara River watershed are described in the report as having fish observations. It is important to note that these observations are for fish in general, and not specifically steelhead.

Elizabeth Lake Canyon, tributary to Castaic Creek - Field notes from US Forest Service staff from 1947 indicate that "some fish" were caught in Elizabeth Lake Canyon Creek in the previous season (CDFG 1952). The author noted that the creek was unlikely to support fish life throughout the year, presumably due to low flow.

Fish Canyon, tributary to Castaic Creek - A 1956 CDFW stream inventory for Fish Canyon Creek states, "…some native fish reported in upper reaches" (CDFG 1956b). It adds, "This is definitely a marginal water…"

Bouquet Canyon - According to CDFW records, rainbow trout fry from the Shasta hatchery were planted in Bouquet Canyon Creek in 1943 (CDFG 1943). A 1947 stream survey indicates that *O. mykiss* including a "few fingerlings" were observed in the creek but notes, "Fishing maintained only be frequent plantings" (CDFG 1947b).

In a previous document, Becker et al. (2008) appears to acknowledge the unreliable nature of these observations in Figures 24 and 25 of the report, describing the historic and current, respectively, status of *O. mykiss* in coastal streams of southern Ventura County. In the figures, Castaic Creek and its tributaries, as well as San Francisquito and Bouquet Canyon creeks, are shown as "unknown or insufficient data". Paradoxically, the mainstem Santa Clara River upstream of the Piru Creek confluence is shown as "definite run or population" despite no

[3] Available at: https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=10194

documentation in the report of any observations currently or historically in that section of river. CalTrout, an organization focused on healthy waters and resilient wild fish, provides on The Southern Steelhead page of their website[4] as well as their publication "SOS II: Fish in Hot Water: Status, threats and solutions for California salmon, steelhead, and trout" a map of current and historical steelhead range. The source of the map is noted as PISCES (2017). See the discussion above under Biogeographic Datasets - Southern California Steelhead Range (ds1290) for PISCES.

The conservation group Trout Unlimited's website[5] provides maps of the historical and current status of *O. mykiss* in coastal streams of southern Ventura County, California. Both maps show the mainstem of the upper Santa Clara River from the Piru Creek confluence up to about the N3 Angeles Forest Highway as historically and currently having a "definite run or population". However, the cited source for these maps is Becker et al. 2009, described above, which does not appear to substantiate the steelhead historical and current distribution depicted on these figures.

Other Sources

Stoecker and Kelley (2005) analyzed the habitat conditions, population status and barriers to migration for steelhead in the lower Santa Clara River watershed from the Piru Creek tributary downstream, including significant drainages. There is no mention of steelhead resources upstream of the Piru Creek confluence.

Bowers (2008) compiled historical steelhead accounts in Ventura County, primarily from newspaper accounts, personal fishing logs, books, pamphlets, and Ventura County Board of Supervisors' Minutes. Because the report looked at Ventura County, little mention is made of the upper Santa Clara River watershed in Los Angeles County except two articles from the Santa Paula Chronicle. The first, in 1925, noted five thousand "trout" were planted in Bouquet Canyon. The second, in 1943, described Bouquet Canyon as being "in good shape with plenty of good-sized fish left over from last year's plant", presumably referring to planted *O. mykiss.*

Bell (1978) described the fishes of the Santa Clara River and made collections at 46 stations from the river mouth upstream as far as water existed. In the upper watershed, this included San Francisquito Creek, Castaic Creek, Arrastre Canyon, and the mainstem river. No *O. mykiss* were encountered. Bell cites Hubbs (1946) as reporting large and consistent runs of *Salmo gairdneri* (the former scientific name for *O. mykiss*) in the Santa Clara River. However, Bell notes that at the time of his survey, *Salmo* were abundant in Sespe Creek, but Piru Creek and the Santa Clara mainstem were much less suitable habitat, and trout were restricted to a few deep holes in Piru Creek and as escapees to the mainstem from Fillmore fish hatchery. No mention is made of trout in the upper watershed.

Numerous fish sampling events have been conducted in the upper Santa Clara River, particularly the mainstem, in more recent years. Table 1 below presents a list of the sources examined. No *O. mykiss* were encountered in any of the surveys.

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[4] Available at: https://caltrout.org/sos/species-accounts/steelhead/southern-steelhead#:~:text=Southern%20Steelhead%20Distribution&text=They%20are%20most%20abundant%20in,Ventura%2C%20and%20Santa%20Clara%20rivers

[5] Available at: https://www.tu.org/california-coastal-steelhead-data/. Figure 24 -– Historical and current status of Oncorhynchus O. mykiss in coastal streams of southern Ventura County, California; Figure 25 - Current status of Oncorhynchus mykiss in coastal streams of southern Ventura County, California.

TABLE 1
SUMMARY OF FISH SPECIES PRESENCE IN UPPER SANTA CLARA RIVER WAERSHED BASED ON LITERATURE REVIEW

Santa Clara River Reach[a] and Location		Unarmored Three spine Stickleback	Santa Ana Sucker	Arroyo Chub	Prickly Sculpin	Common Carp	Mosquitofish	Black Bullhead	Fathead Minnow	Green Sunfish	Largemouth Bass	Goldfish	Sailfin Molly	Convict cichlid	Source
SCR	SCR Watershed	X	X	X			X		X	X	X				Bell 1978, Swift et al. 1993
6	Bouquet Canyon area			X	X		X							X	Compliance Biology 2010
6	SWRP outfall channel													X	Dellith Pers. Comm. 2023
6	Iron Horse Bridge area	X													CDFW 2021
6	Iron Horse Bridge area		X	X											CDFW 2022
6	Iron Horse Bridge to VWRP	X	X	X											Haglund & Baskin 2000
6	McBean Parkway area	X					X								Hovore et al. 2008
5/6	Bouquet Cyn. to Castaic Ck.	X	X	X											Haglund & Baskin 1995
5/6	Bouquet Cyn. to Castaic Ck.	X	X	X											Impact Sciences Inc. 2003c
5/6	Saugus to Castaic Ck.	X		X			X								Haglund 1989
5	I5 to Castaic Ck.	X		X											Aquatic Consulting Services 2002a
5	Old Road to VWRP	X	X												CDFW 2015
5	Old Road to VWRP	X	X	X			X								Pareti Pers. Comm. 2003
5	VWRP to Salt Ck.		X	X		X	X	X			X				Cardno 2015
5	VWRP to Salt Ck.	X	X	X											ENTRIX Inc. 2006a
5	Commerce Center Dr. to Salt Ck.	X	X	X	X	X					X				ENTRIX Inc. 2010
5	Commerce Center Dr. to Salt Ck.	X	X	X											Dudek 2010
5	Castaic Ck. to u.s. 7.2mi	X	X	X	X		X				X	X	X		Impact Sciences Inc. 2003b
5	Commerce Center Dr. to Castaic Ck.	X	X	X											Aquatic Consulting Services 2002b
5	Commerce Center Dr. to Co. Line	X		X			X				X				Aquatic Consulting Services 2002c
5	Castaic Ck. to d.s. 7mi	X	X	X	X		X				X				Impact Sciences Inc. 2003a
5	Castaic Creek to Long Cyn.	X	X	X			X								ENTRIX Inc. 2006b
5	Castaic Ck. to Long Cyn.	X	X	X											Impact Sciences Inc. 2010
5	u.s. of San Martinez Grande Cyn.	X													USFWS 1980
5	u.s. of San Martinez Grande Cyn.	X	X	X			X	X		X					USFWS 1985

NOTES:

Blue shading = Native species, native to Study Area
Green shading = Native to Southern California
No shading = Not native to California (introduced)
a. Reaches delineated according to LARWQCB water body names

Discussion

In review of the available information, no verifiable or concrete observations of native *O. mykiss* in the upper Santa Clara River watershed have been described or recorded historically or currently. Observations that potentially could have been native *O. mykiss* are described in Becker et al. 2009. However, observations of "some

fish" or "some native fish" in Elizabeth Canyon and Fish Canyon do not specifically mention *O. mykiss.* The references could be to other native fish in the upper watershed such as threespine stickleback (*Gasterosteus williamsoni*) which were formerly more common in the upper headwater tributaries (Bell 1978). Titus et al. (*In preparation*) also notes San Francisquito Canyon and Soledad Canyon as two streams for which there are CDFW records for rainbow trout presence and/or stocking dating back to circa 1930.

These observations may all well have been planted trout. As described in Titus et al. (*In preparation*) above and in newspaper accounts (Bowers 2008), extensive stocking was occurring in the upper watershed as early as 1925, and it would have been impossible to distinguish native resident trout or steelhead from stocked trout.

Given these unreliable historic accounts and lack of any other verifiable observations, it is of concern that Becker et al. 2008 and Titus et al. (*In preparation*) appear to be the basis for some historic and current distribution maps for southern California steelhead in the upper Santa Clara River (e.g., Boughton et al. 2005, Trout Unlimited), particularly since Becker et al. 2008 itself shows occurrence maps in upper watershed tributaries where there are questionable fish observations as "unknown or insufficient data". It is also not apparent why the upper watershed is considered to have been historically occupied by experts for the U.C. Davis PISCES model, and historically and currently occupied in Figures 24 and 25 of in Becker et al. 2008 despite the absence of observations. Perhaps the underlying assumption is that because the lower Santa Clara River had a well-documented and robust steelhead run (Hubbs 1946, Stoecker and Kelley 2005, Bowers 2008), fish would have inevitably made their way all the way up the river to the upper basin headwaters. However, an examination of habitat conditions in this area suggests that the habitat in the upper basin may have precluded or greatly limited steelhead migration in most years, and that even in particularly wet years when migration was possible, available upstream spawning and over-summering habitat was and is extremely limited or of poor quality.

The Santa Clara River is a perennial stream from Interstate 5 downstream to just west of the Los Angeles - Ventura County line. Beginning about 3.5 river miles downstream of the county line the entire surface flow is infiltrated into the underlying eastern Piru groundwater basin. Surface flow reappears approximately 6 miles downstream, past the confluence of Piru Creek. The river is dry through this reach most of the year, with water present only when rainfall events create sufficient stormwater runoff into the river (GSI 2008, LARWQCB 2007). This dry ephemeral reach of the river is informally known as the "Piru dry gap" in the Santa Clara River. Flood flows in the Upper Santa Clara River increase, peak, and subside rapidly in response to high-intensity rainfall. The "flashy" hydrograph produced by these conditions shows a rapid increase in discharge over a short time period with a quickly developed peak discharge compared to normal baseflow (Kennedy/Jenks 2014). Thus, migration opportunities through the dry gap for upstream migrating steelhead adults and downstream migrating smolts would have historically been limited to typically brief high flow events. The same is true under current conditions, though flows through the dry gap may be artificially altered in duration due to releases from or withholding in upstream reservoirs (e.g., Castaic Lake).

Habitat conditions in the upper watershed tributaries are described in historic accounts as generally poor for *O. mykiss*. For example, field notes from US Forest Service staff from Elizabeth Lake Canyon Creek in 1952 note that the creek was unlikely to support fish throughout the year "presumably due to low flow", and in 1956 regarding Fish Canyon "This is definitely a marginal water…", and in Bouquet Canyon Creek, 1943, "Fishing maintained only by frequent plantings" (Becker et al. 2009). Boughton and Goslin (2006) acknowledge that the watershed between Newhall and Palmdale is subject to a rain-shadow effect from the San Gabriel Mountains and "probably did not contain potential habitat in reality". No current information or surveys reviewed suggest that

suitable habitat for *O. mykiss* is extant in the upper basin tributaries. Becker et al. (2010) analyzed information on rearing habitat to identify regionally significant watersheds, which are those offering the greatest potential for producing steelhead smolts, including over-summering opportunities and conditions favoring high growth rates. Within these watersheds the report identifies "essential" streams or reaches that offer the best habitat resources. Within the upper Santa Clara River watershed, portions of the mainstem and several tributaries are identified as “essential” stream, but no waterbodies in the upper watershed are identified as “available” or “suitable” *O. mykiss* habitat (see Figure 14 in the report).

In conclusion, there is no record of current *O. mykiss* occupation in the upper Santa Clara River watershed (east of the Piru Creek confluence) on which to support any determination of species “presence”. Despite extensive fish sampling in the area over the last few decades, no *O. mykiss* have been encountered. Habitat conditions currently do not suggest suitable habitat is present for this species in the area.

There are no verifiable or concrete historical observations of native *O. mykiss* in the upper Santa Clara River watershed, and historical descriptions of habitat conditions do not suggest suitable, perennial habitat was present for *O. mykiss* in the area.

References

Aquatic Consulting Services Inc. 2002a. Aquatic Surveys along the Santa Clara River; Part I: Castaic Junction Project Area, Los Angeles County, California. Report prepared for Newhall Land and Farming Company.

Aquatic Consulting Services Inc. 2002b. Aquatic Surveys along the Santa Clara River; Part II: Commerce Center Bridge Project Area, Los Angeles County, California. Report prepared for Newhall Land and Farming Company.

Aquatic Consulting Services Inc. 2002c. Aquatic Surveys along the Santa Clara River; Part III: West of Commerce Center Bridge to the Ventura County Line, California. Report prepared for Newhall Land and Farming Company.

Becker, G.S. and I.J. Reining. 2008. Steelhead/rainbow trout (*Oncorhynchus mykiss*) resources south of the Golden Gate, California. Cartography by D.A. Asbury. Center for Ecosystem Management and Restoration. Oakland, CA.

Becker, G.S., K.M. Smetak, and D.A. Asbury. 2010. Southern Steelhead Resources Evaluation: Identifying Promising Locations for Steelhead Restoration in Watersheds South of the Golden Gate. Cartography by D.A. Asbury. Center for Ecosystem Management and Restoration. Oakland, CA.

Bell, M. A. 1978. Fishes of the Santa Clara River system, Southern Calif. Natur. Hist. Mus. Los Angeles Co. Contrib. Sci.

Boughton, D., P. Adams, E. Anderson, C. Fusaro, E. Keller, E. Kelley, L. Lentsch, J. Neilsen, K. Perry, H. Regan, J. Smith, C. Swift, L. Thompson, and F. Watson. 2006. Steelhead of the South- Central/Southern California Coast: Population Characterization for Recovery Planning. NOAA Technical Memorandum NMFS-SWFSC TM-394.

Boughton, D.A., Fish, H., Pipal, K., Goin, J., Watson, F., Casagrande, J., Casagrande, J., and Stoecker, M. 2005. Contraction of the southern range limit for anadromous *Oncorhynchus mykiss*. NOAA Tech. Memo. NMFS-SWFSC380.

Boughton and Goslin. 2006. Potential Steelhead Over-Summering Habitat in the South-Central/southern California Coast Recovery Domain: Maps Based on the Envelope Method. NOAA Technical Memorandum NMFS.

Bowers, K., History of Steelhead and Rainbow Trout in Ventura County: Newsprint from 1872 to 1954, Volume I, United Water Conservation District, July 10, 2008.

[CDFW] California Department of Fish and Wildlife. 2015. Inland Fisheries Survey Memorandum Region 5, Drainage: Santa Clara River. August 7, 2015.

[CDFW] California Department of Fish and Wildlife. 2021. Santa Clara River 2021 Drought Report. CDFW Region 5.

Cardno. 2015a. Newhall Ranch Aquatic Species Survey in the Santa Clara River, Los Angeles County, California, 2014. November 2015 Update. Technical Memorandum prepared for the Newhall Land and Farming Company.

Compliance Biology Inc. 2010. Letter report from Dave Crawford to Matt Carpenter (Newhall) regarding Special Status Species in the NRMP area.

Dudek. 2010. Newhall Ranch Resource and Development Plan and Spineflower Conservation Plan; Joint Environmental Impact Statement and Environmental Impact Report (Section 4.5 Biological Resources). SCH No. 2000011025.

ENTRIX Inc. 2006a. Focused Special Status Aquatic Species Habitat Assessment - Santa Clara River, Mission Village Project, Newhall Ranch, California. Report prepared for Newhall Land. Project No. 3109005.

ENTRIX Inc. 2006b. Focused Special Status Aquatic Species Habitat Assessment - Santa Clara River, Landmark Village Project, Newhall Ranch, California. Report prepared for Newhall Land. Project No. 3109002.

ENTRIX Inc. 2010. Focused Special Status Fish Species Habitat Assessment and Impact Analysis Santa Clara River and Tributary Drainages within Newhall Ranch. Prepared for Newhall Land and Farming Company.

GSI Water Solutions, Inc. 2008. Assessment of Future Surface Water Conditions in the Dry Gap of the Santa Clara River. Prepared for Newhall Land and Farming Company.

Haglund, T.R. 1989. Current Status of the Unarmored Threespine Stickleback (*Gasterosteus aculeatus williamsoni*) along Portions of the Santa Clara River Drainage. Report prepared for Newhall Land and Farming Company.

Haglund, T.R. and J.N. Baskin. 1995. Sensitive Aquatic Species Survey Santa Clara River and San Francisquito Creek; Newhall Land and Farming Company Property, Los Angeles County, California. Report prepared for Valencia Company.

Haglund, T.R. and J.N. Baskin. 2000. Fish and Wildlife Survey and Habitat Assessment of the Santa Clara River at Interstate 5. Report prepared for California State Department of Transportation.

Hovore, F., T. Even, D. Wing, K. Penrod, R. Ramirez, and T. Savaikie. 2008. Santa Clara River Watershed Amphibian and Benthic Macroinvertebrate Bioassessment Project. Report prepared for the Santa Clara River Trustee Council.

Hubbs, C.L. 1946. Wandering of pink salmon and other salmonid fishes into Southern California. California Fish and Game, (32)2:81-85.

Impact Sciences Inc. 2003a. Results of Focused Surveys for Unarmored Threespine Stickleback and Other Special-Status Fish Species; Newhall Ranch, Valencia, California. Report prepared for Newhall Land and Farming.

Impact Sciences Inc. 2003b. Results of Focused Surveys for Unarmored Threespine Stickleback and Other Special-Status Fish Species; Natural River Management Plan Area, Valencia, California. Report prepared for Newhall Land and Farming.

Impact Sciences Inc. 2003c. Annual Status Report for Unarmored Threespine Stickleback within the Natural River Management Plan Area, Valencia, California. Report prepared for Newhall Land and Farming.

Impact Sciences Inc. 2010. Landmark Village Recirculated Draft Environmental Impact Report (Section 4.5 Floodplain Modifications). January 2010.

Kennedy/Jenks. 2014. Upper Santa Clara River Integrated Regional Water Management Plan.

[LARWQCB] California Regional Water Quality Control Board – Los Angeles Region. 2007. Upper Santa Clara River Subdivision of Santa Clara River Reach 4. Draft Staff Report.

[NMFS] National Marine fisheries Service. 2023. 2023 5-Year Review: Summary & Evaluation of Southern California Steelhead. National Marine Fisheries Service West Coast Region.

Santos, N.E., Katz, J.V.E., Moyle, P.B., and Viers, J.H. 2014. A programmable information system for management and analysis of aquatic species range data in California. Environmental Modelling & Software. 53. 13–26. 10.1016/j.envsoft.2013.10.024.

Stoecker, M. and E. Kelley. 2005. Santa Clara River Steelhead Trout: Assessment and Recovery Opportunities. Prepared for The Nature Conservancy and The Santa Clara River Trustee Council. pp. 294.

Titus, R.G., D.C. Erman, and W.M. Snider. History and status of steelhead in California coastal drainages south of San Francisco Bay. *In preparation*.

[USFWS] U.S. Fish and Wildlife Service. 1980. Endangered and Threatened Wildlife and Plants; Proposed Designation of Critical Habitat for the Endangered Unarmored Threespine Stickleback: Federal Registrar 45 (17 November 1980): p 76012-76015.

[USFWS] U.S. Fish and Wildlife Service. 1985. Unarmored Threespine Stickleback Recovery Plan (Revised). U.S. Fish and Wildlife Service, Portland, Oregon. 80 pp.

Outlook

Oct 10 Agenda Item 14 Burrowing Owl Vote: May be Warranted

From Elsa Gernand <[redacted]>
Date Mon 02/10/2025 07:27 PM
To FGC <FGC@fgc.ca.gov>

To whom it may concern:

Please help save California's burrowing owls by voting that endangered species listing may be warranted. I love these birds and California's landscape would be forever poorer for their loss.

Thanks,
Elsa Gernand

Outlook

FGC Feb. 2025 Item 15, Petition 2021 026

From patriciamcpherson [redacted]

Date Mon 02/10/2025 10:19 AM

To FGC <FGC@fgc.ca.gov>; Cornman, Ari [redacted]; Miller-Henson, Melissa [redacted]; samanthamurray [redacted]; commissioner.zavaleta [redacted]; fgcericsklar [redacted]; commissionerdariusanderson [redacted]

Cc jeanette vosburg [redacted]

Please distribute to all Commissioners timely for the February 12, 2025 Meeting Re: Item 15, Petition 2021 026
Thank you,
Patricia McPherson, Grassroots Coalition

GRASSROOTS COALITION
Environmental Integrity & Public Policy
Patricia McPherson President
Jeanette@SaveBallona.org (310) 721-3512

Re: Feb.12 FGC Meeting, Petition 2021-026, Item 15

Commissioners and Staff,
Fish & Game Commission Staff in tandem with the Department of Fish and Wildlife (CDFW) per Petition 2021-026 pertaining to Ballona Wetlands Ecological Reserve, have made undocumented, unsupported and false claims about the hydrology of the Ballona Wetlands Ecological Reserve (BWER) to the public and the Fish & Game Commissioners in their blanket recommendation to deny any/all clarification changes regarding the following requests of Petition 2021-026. FGC Staff also recommend no changes to boundary information pertaining to ownership authority and operational authority that, if amended would help to publicly clarify authority in the LA County Flood Control Channel adjacent to the land parcels of Ballona Wetlands Ecological Reserve.

Namely, FGC stated,

> Four petitioned actions were found to be within the Commission's authority and were accepted:
>
> - Remove boating and flotation device language from Section 630 of Title 14, California Code of Regulations;
> - remove bicycling and/or vehicular traffic language from Section 630;
> - update the boundaries of BWER to remove the Playa Vista flood control catch basin; and
> - amend Section 630 to regulate water usage and conveyance by BWER.

The top three items were requested to end confusion pertaining to actual authoritative ownership of the Ballona Channel. While, no one is questioning that FGC/CDFW have authority to provide regulations pertaining to wildlife virtually anywhere in California, having SPECIAL Regulations (aside from Ecological Reserve general regulations of 1580) under Terrestrial Ecological Reserves, Section 630, continues to confuse the public and remains an overreach of authority for NON WILDLIFE oriented regulations in the Ballona Channel inclusive of its levees. There is already the general Ecological Reserve Code 1580 that requires A PERMIT from FGC for any boating on an Ecological Reserve. No such Permit

is required from FGC for the Ballona Flood Control Channel, hence the Special Regulation under Section 630 per boating, is inaccurate on its face. And, it also contradicts the 1580 regulation requiring a permit from FGC for boating on an Ecological Reserve. Hence, confusion remains.

When the Special Regulations language was approved by FGC in early 2005 for placement into the Section 630 language, it simply echoed the regulations and restrictions already in place by the Army Corps of Engineers/ LA County Flood Control District -- the owners and operators of the Ballona Flood Control Channel. The SPECIAL language was adopted in 2005, and perhaps was placed to bring added attention to the LACFCD regulations via another format—namely CDFW/FGC regulations. Perhaps, CDFW was unaware of these regulations as already in existence and under authority of LACFCD.

https://cal-span.org/meeting/cfg_20050819/. Exec Director FGC-Treanor at 3:39: 32, Item 21, Ballona ER induction Section 630..."These are terrestrial ecological reserves"...Treanor....

However, CDFW/FGC already have regulations that govern general rules for Ecological Reserves (1580) of CDFW, and Fish & Game Regulations pertaining to wildlife that cover the authority of FGC/CDFW in the Ballona Wetlands region.

Placement of further 'echoed' rules of another agency (LACFCD/ USACE) today is simply a confusing over reach and not under the authority of FGC or CDFW.

The Section 630 language requested to be removed is denied by Staff based upon Staff's belief that CDFW OWNS THE BALLONA CHANNEL and hence has ownership authority to dictate its access. FGC Staff Response cites the Petition as an improper way to address the ownership issues. FGC Staff response simply challenges the USACE or LACFCD to respond otherwise, rather than provide reasoning for its own response. We believe this to be a capricious, cavalier response that lacks any good faith response to the public and the agencies LACFCD and USACE who do own the easement rights of the levees and Ballona Channel.

https://wildlife.ca.gov/Regions/5/Ballona-EIR this link provides the NOP information that contains :

The Los Angeles County Department of Public Works–Flood Control District (collectively, LACFCD) owns and operates the Ballona Creek channel and levee system, which are features of the Los Angeles County Drainage Area (LACDA) project authorized by Congress in 1990. The U.S. Army Corps of Engineers (Corps), in cooperation with the LACFCD, constructed the Ballona Creek channel and levees within the Ballona Reserve as part of the LACDA project.

The LACFCD and the Corps have jurisdiction over the Ballona Creek channel and levee system within the project site. As a result, authorization from the Corps under Section 404 of the Clean Water Act and Sections 10 and 14 of the Rivers and Harbors Act would be needed to carry out the Project. Corps approval also would be required to modify the Operation, Maintenance, Repair, Replacement and Rehabilitation Manual (OMRR&R) to reflect any approved changes to existing LACDA project infrastructure within the project site.

The FGC response does include the Playa Vista (Playa Capital LLC) DEEDS pertaining to Ballona Flood Control Channel, provided to the state of California.

The DEEDS contain numerous exclusions of authority –

"SUBJECT TO: All covenants, conditions, restrictions, reservations, right-of-way, easements, dedications, offers of dedication and other matters of record and matters that would be revealed by an ALTA survey of the property." (Per the State of California, Wildlife Conservation Board Deed transfer from Playa Capital LLC on Nov. 13, 2003)

The DEED restrictions are due to the U.S. Condemnation Proceedings that took place that granted the USACE and LACFCD ownership of the easement that is known as the Ballona Creek Channel Flood Control System. The ownership and operation of Ballona Creek Flood Control System is under the jurisdiction of LACFCD and the Corps of Engineers. Any and all changes to the landscape of the Ballona Channel can only be authorized by LACFCD and USACE.

(There are no current agreements between CDFW and LACFCD /USACE per Ballona's restoration via Water Resource Development Act (WRDA) agreements. The former WRDA agreements were extinguished years ago.)

<u>Ballona Flood Control Channel:</u>

FGC does not explain, in its response, that the **<u>authority of Playa Capital LLC</u>** over the **Ballona Flood Control Channel and its levees -- in the Playa Capital LLC DEED OWNERSHIP transfer to CDFW for the Ballona Channel landscape IS <u>ZERO authority</u>.**

FGC fails to alert Commissioners that neither FGC nor CDFW could assume any greater authority over the ownership aspects of the Ballona Flood Control Channel

and its levees than was IN THE DEEDS given over by Playa Capital LLC. Playa Capital LLC had no authority over the Ballona Flood Control Channel and its levees to give.

The Section 630 SPECIAL regulations for the LACFCD/USACE owned and operated Ballona Channel are simply echoes of regulations set forth already by USACE/LACFCD. Echoes, that today FGC/CDFW use to confuse the public into a misleading belief that CDFW has greater authority over the Ballona Flood Control Channel 'ownership' than did Playa Capital LLC.

Overall, FGC's Staff Response instead of providing clarity, the response sets forth both false and misleading information which promotes CDFW's full- tidal saltwater conversion plan for Ballona Wetlands. In doing so, FGC contradicts its own Section 630 approvals as a Terrestrial Ecological Reserve having specific Purpose and Goals of acquisition that are required, under Fish and Game Code 1745, to have all contracts and agreements abide by the specific Purpose and Goals of Ballona's acquisition. FGC/CDFW thwart the registry and approval by the Office of Administrative Law's (OAL) induction of Ballona into the Reserve System as a Terrestrial Ecological Reserve.

Title 14, Section 630:
All ecological reserves are maintained for the primary purpose of developing a statewide program for protection of rare, threatened, or endangered native plants, wildlife, aquatic organisms, and specialized terrestrial or aquatic habitat types. Visitor uses are dependent upon the provisions of applicable laws.

https://cal-span.org/meeting/cfg_20050819/ at 3:39:34 FGC Meeting Aug. 19, 2005, induction of Ballona Wetlands as a Section 630 Ecological Reserve**… Section 630-" These are Terrestrial Ecological Reserves…" Exec. Dir. Treanor.**

REGULATING WATER CONVEYANCE

FGC Staff acknowledges FGC's authority to:

Amend Section 630 to clarify and include measures to amend water usage and conveyance. However, FGC Staff recommend not to do so because:

Regulating Water Conveyance

The Commission has broad authority to regulate the management of ecological reserves as specified in California Fish and Game Code Section 1580. The petition requests that the Commission enact a regulation that would govern the flow and disposition of rainwater that enters the reserve.

Water flows are best managed in a way that is conducive to both conserving biotic and abiotic resources at BWER and flood control. Activities at BWER do not, and are not projected to, affect the underlying deeper freshwater aquifer, which is disconnected from the higher, brackish aquifer (see agenda item 21 and accompanying attachments from

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2 In addition to the regulation of ecological reserves, the Commission also has been granted other authorities that allow it to regulate fishing in any waterway of the state, regardless of ownership, management, or designation as a Department land. These authorities would allow the Commission to regulate fishing in the section of Ballona Creek at question – even if it was not owned by the state of California or designated as an ecological reserve.

the October 2024 Commission meeting, available at https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=225876&inline). Therefore, preserving fresh groundwater for drinking or other beneficial uses is not at issue.

Management of hydrology at BWER will be a major factor in the forthcoming restoration project; the Department has heavily invested in plans for the site, including an environmental impact report/statement that examined the site's hydrology and potential hydrological modifications to help support restoration activities. If the Commission deemed it appropriate to promulgate regulations related to hydrodynamics, it would: (1) require detailed, intensive study as to desirability, efficacy, and safety; (2) may potentially involve infrastructure adjustments or construction for compliance; and (3) the study's conclusions would likely be largely duplicative of the hydrological review and analyses already completed by the Department. Moreover, freshwater retention could hinder the goal of restoring BWER to a tidally-influenced wetland system. Given the work already completed by the Department and the restoration goals for BWER, staff believes a regulation governing the flow and disposition of rainwater that enters the reserve is inadvisable and that the Commission should not consider enacting such a regulation.

One false and biased statement above, is that CDFW's EIR for Ballona examined the site's hydrology. FGC provides no supportive data for this highly misleading conclusory

statement that is additionally contradicted by the California State Agency, the Department of Water Resources and numerous others.

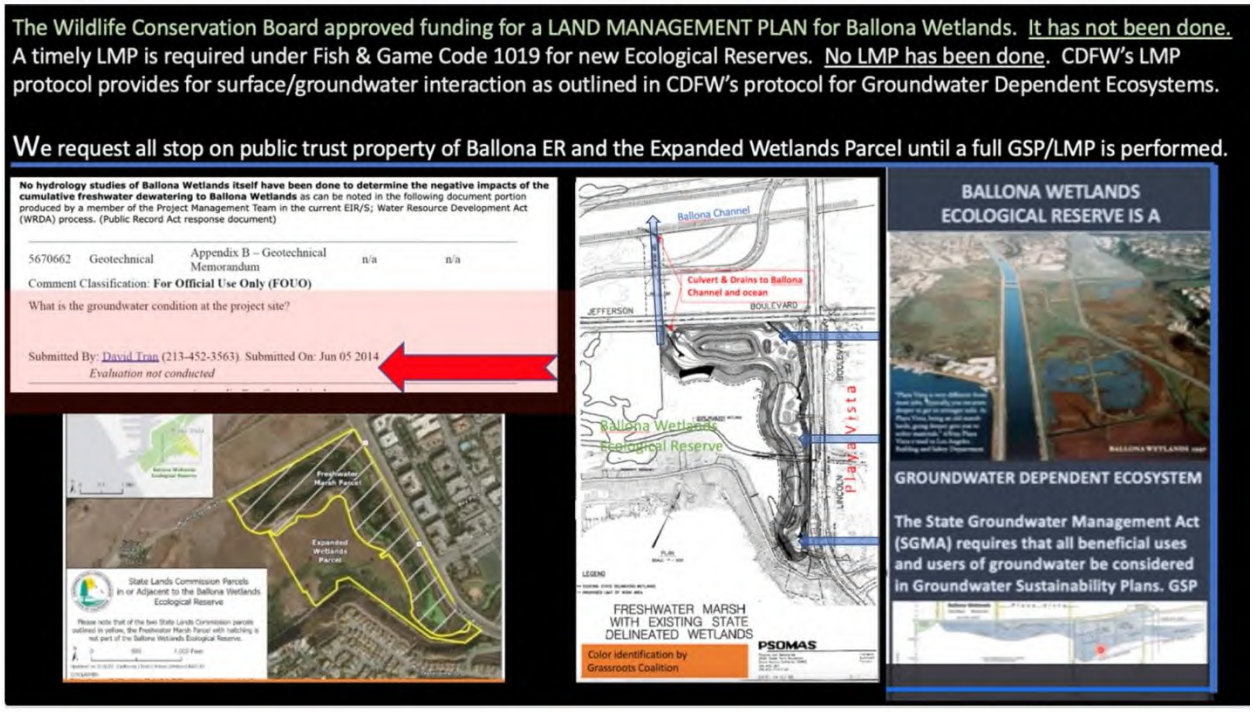
Below includes a screen shot of a portion of Appendix B (2014) Geotechnical Memorandum re: Ballona Wetlands Ecological Reserve :

What is the groundwater condition at the Project site?

Evaluation not conducted.

The Fish and Game Code Section 1019, required Land Management Plan has also never been performed which, because the LMP would be pertaining to a wetland, stringent hydrological evaluations would have been done per protocol.

Slide 15: Land.Management Plan **still not done** by CDFW



Additionally,

1. The FEIR failed in litigation and a new EIR must be prepared IF (as cited by the court) CDFW chooses to move ahead with its plan.
2. The FGC response fails to acknowledge and provide response to the needs of the Sustainable Groundwater Management Act (SGMA) and the fact that Ballona has been acknowledged by the Department of Water Resources (DWR)as a Groundwater Dependent Ecosystem(GDE). The FGC response fails to acknowledge the DWR conditions of hydrological evaluation for Ballona and the lower portion of

the Santa Monica Groundwater Basin that have not been done and are necessary to be performed. DWR was provided with the CDFW FEIR hydrology comments which were found lacking in substance to conform with SGMA and failed in Ballona's protection as a (freshwater) GDE.

Department of Water Resources citations of hydrological evaluations required via SGMA specific to the Ballona Wetlands and the southern portion of the Santa Monica Groundwater Basin.

Portion (screenshot) of DWR's SGMA requirements for Ballona/Santa Monica Groundwater Basin. Submitted to FGC in Dec. 2024; Jan. 2025 , to which FGC provides no response:

corrective actions that the GSA should consider for the first periodic evaluation of the Plan. The recommended corrective actions generally focus on the following: (1) Identify the principal aquifers for the Subbasin. Include the shallow aquifer in the hydrogeologic conceptual model and cross sections and clearly characterize the connection (or disconnection) between surface water, shallow groundwater, the Ballona Aquifer, and the Silverado Aquifer. (2) Provide Seawater intrusion conditions in the basin, including maps and cross sections of the seawater intrusion front for each principal aquifer. (3) Provide additional information to support the development of sustainable management criteria for groundwater levels. (4) Support the development of sustainable management criteria for seawater intrusion consistent with the Subbasin's sustainability goal. (5) Identify constituents of concern for the Subbasin and establish sustainable management criteria for degraded water quality. (6) Include a cumulative metric in the minimum threshold for land subsidence. Addressing the recommended corrective actions identified in Section 5 of this assessment will be important to demonstrate, on an ongoing basis, that implementation of the Plan is likely to achieve the sustainability goal.

Further, FGC discusses CDFW's saltwater plan and provides an unsubstantiated conclusory statement that CDFW's tidal embayment plans will not affect Ballona's freshwater aquifers citing,

*"Activities at Ballona Wetlands Ecological Reserve do not and are not projected to affect the underlying deeper freshwater aquifer, which is **disconnected** to the higher, brackish aquifer*." Emphasis added.

1. All of Ballona's freshwater aquifers are at risk of contamination via the CDFW Plan of full tidal inundation. All of Ballona's underlying freshwater aquifers are protected under the Sustainable Groundwater Management Act and the Porter-Cologne Water

Quality Act. (LARWQCB classifies the groundwater of the Ballona region as Drinking Water and Potential Drinking Water)

2. CDFW has not performed hydrology evaluations to 'project' what will or won't be affected by their plans of saltwater intrusion into the freshwater aquifers of Ballona.
3. The 1959 Poland et al Hydrology Report of the Ballona Region (already provided to CDFW as part of EIR responses) contradicts the FGC/CDFW comment above regarding 'disconnection'. (See screen shot examples from 1959 Poland et al report below)

FGC's response also opines,

" Moreover, freshwater retention could hinder the goal of restoring Ballona to a tidally influenced wetland system."

FGC's Title 14, Section 630 Ballona approved Purpose and Goals –nowhere cite to a goal of restoring Ballona to tidal influence. And, for FGC's response to again state this falsehood, thwarts Fish and Game Code 1745 where all contracts and agreements shall abide by the Purpose and Goals for which the Ecological Reserve was acquired.

https://www.laaudubon.org/blog/2021/10/30/inconsistencies-and-missed-opportunities-

California Regulatory Notice Register 2005, Volume No. 20-Z, Starting on page 663 Ballona Wetlands Ecological Reserve https://www.dhcs.ca.gov/services/medi-cal/Documents/AB1629/ZREG/ZREG%2020-Z_5.20.05_notice.pdf

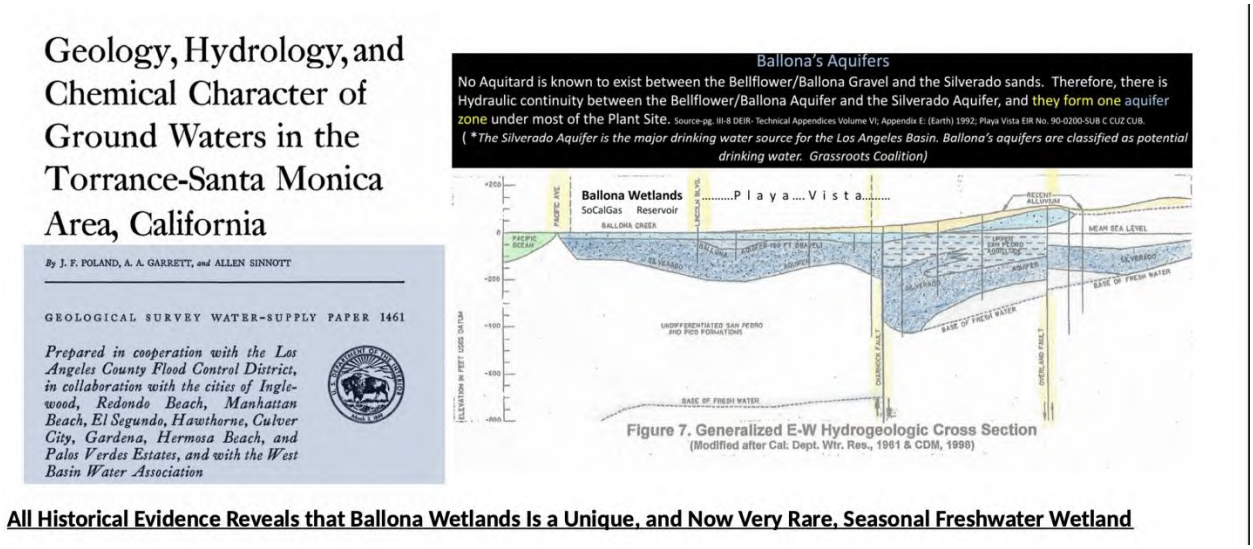
And per the FGC response citing a need to perform detailed studies? Yes, this is what is already being required by DWR in order to comply with SGMA and Ballona as a GDE. It is unfortunate that CDFW, which chose to never perform the required Land Management Plan(LMP) for Ballona. A CDFW LMP for a wetland requires extensive hydrological evaluation of the wetland. This has never been done for Ballona and remains a stain on protective performance by CDFW. The SGMA branch of CDFW has also never engaged on Ballona's hydrological evaluation issues..

And, FGC's response finally concludes that,

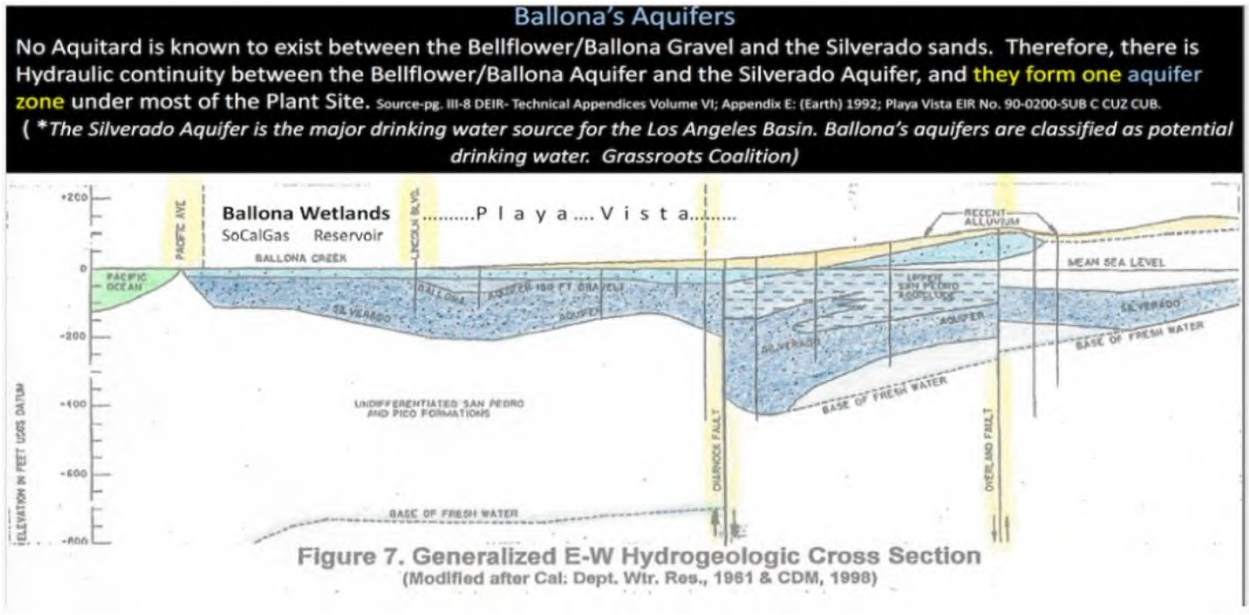
"Therefore, preserving fresh groundwater for drinking or other beneficial uses is not at issue."

This frightful statement displays the utter disconnect of FGC/CDFW staff at fulfillment of the Sustainable Groundwater Management Act and demonstrates a callous disregard for protecting Ballona as a Groundwater Dependent Ecosystem. The Groundwater Sustainability Agency for the Santa Monica Basin has long acknowledged that protecting the groundwaters of the Santa Monica Groundwater Basin is not a matter of maintaining status quo, but instead, is all about improving groundwater resources through protective actions on behalf of sustaining the freshwater natural resources.

1959 Poland et al Report:



All Historical Evidence Reveals that Ballona Wetlands Is a Unique, and Now Very Rare, Seasonal Freshwater Wetland



The Department of Water Resources identifies the hydraulic continuity between Ballona's multiple underlying aquifers.

Per aquifer connectivity issues:

The U.S. Geological Survey Water-Supply Paper 146, included in part below, does provide valuable information about the nature of the groundwater at the Ecological Reserve.

CDFW's actions and inactions are causing and encouraging saltwater intrusion into the Venice Sub Basin which is classified by the Porter Cologne Act as a potential source of drinking water. The Porter-Cologne Act is the principal law governing water quality in California. It establishes a comprehensive program to protect water quality and the beneficial uses of water.

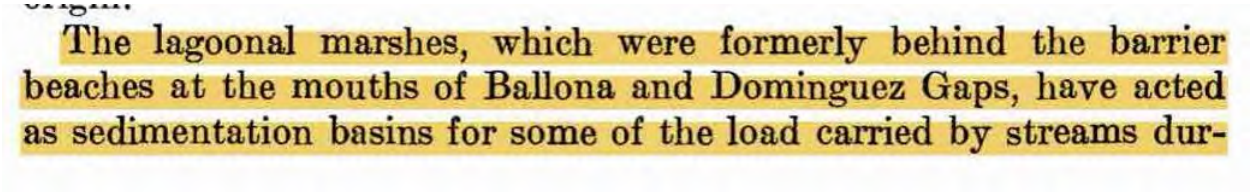
https://www.waterboards.ca.gov/laws_regulations/docs/portercologne.pdf

Under the Sustainable Groundwater Management Act, actions to protect from further saltwater intrusion are key as well as measures to heal our freshwater aquifer resources from the over-drafting of the past which has given rise to contamination from ocean water intrusion.

EXCERPTS OF U.S. Geological Survey Water-Supply Paper 146

Page 26 specifies that the aquifers of the lower division of the Gaspur water-bearing zone extend across the west basin and Ballona Gap. The Reserve is in the Ballona Gap.

Page 27 - 28 confirms that the Ballona Lagoonal Marsh was behind barrier beaches at the mouth of the Ballona Gap, contrary to the unfounded CDFW claim the Reserve was a tidal salt-water marsh and /or embayment.



The lagoonal marshes, which were formerly behind the barrier beaches at the mouths of Ballona and Dominguez Gaps, have acted as sedimentation basins for some of the load carried by streams dur-

Patricia McPherson, Grassroots Coalition

The following excerpts provides cautionary information regarding the permeability of the aquifers that can be utilized to prevent further saltwater intrusion.

With regard to saline contamination from the ocean, these beach deposits are of great interest because: (1) at least locally along the coast, they are believed to extend for several tens of feet below sea level; (2) probably they are in direct contact with the Silverado water-bearing zone in the vicinity of Redondo Beach and with the "50-foot gravel" and the main water-bearing zone of the San Pedro formation at the mouth of Ballona Gap; and (3) they are highly permeable. Thus, under the current conditions of landward hydraulic gradient, these beach deposits probably afford conduits for the movement of ocean water into the coastal margins of the main water-bearing zones within the west basin.

QUATERNARY SYSTEM

RECENT SERIES

DEFINITION AND GENERAL FEATURES

The deposits of Recent age comprise chiefly the youngest unconsolidated materials formed during the present cycle of alluviation by streams, materials associated with shoreline features, including lagoonal, littoral, and dune deposits, also slope-wash and playa deposits of minor extent.

With respect to water-bearing character, the most important deposits of Recent age are those of fluvial origin. They consist of sand, gravel, silt, and clay, and underlie the Downey plain and its tongues, which extend to the coast through the gaps cut in the older rocks (pl. 2). Thus, the top of the Recent deposits is the surface of the Downey plain and its extensions into the several gaps; their base is the former land surface that had been produced by deformation and trenching of the coastal plain in late Pleistocene time.

In Ballona and Dominguez Gaps and inland from the gaps, logs of many wells which have been drilled through the Recent deposits reveal that the relatively fine grained sediments in the upper few tens of feet commonly are underlain by much coarser materials—chiefly coarse sand to cobble gravel, which have been deposited as tongues many miles in length. These important aquifers, which underlie Ballona and Dominguez Gaps, extend inland across the coastal plain;

LOWER DIVISION

The deposits of the lower division of Recent age do not crop out in the area and consequently are known only from logs of wells and from samples taken during drilling. These indicate that the lower division consists almost entirely of coarse sand and gravel, deposited in tongues. In the Torrance-Santa Monica area, the two principal tongues are the Gaspur water-bearing zone in Dominguez Gap and the "50-foot gravel" in Ballona Gap. Physical connection between these two zones is afforded by the so-called westerly arm of the Gaspur zone, which extends southward from the Los Angeles Narrows

The report confirms that along the coast, Ballona lagoonal marsh is probably in direct

contact with the Silverado water-bearing zone at the mouth of the Ballona Gap and is highly permeable.

The language of the report demonstrates the irregular layers of the deposits, often described as 'tongues'. Permeability of the aquifers and their interface is discussed in the Poland et al report which, is part of the ongoing SGMA evaluation being performed for the Santa Monica Groundwater Basin. The included excerpts are simply a few examples of historical data that contradict the simplistic and unsupported claims of FGC's response that CDFW's excavation plan for tidal saltwater intrusion will not have any effect upon the lower and upper freshwater aquifers of Ballona Wetlands.

Page 31 specifies that the following about the Ballona Lagoon:

"It is sufficiently permeable, however, to absorb a moderate volume of water by infiltration of rain, by percolation from the streams the Los Angeles River and Compton and Ballona Creeks and by deep penetration of irrigation water. Most of this water first reaches the unconfined semiperched water body and ultimately is transmitted to the coarse tongues of the lower division the Gaspur water-bearing zone and the "50-foot gravel."

Page 94 The report states the Ballona Gap in which the Reserve is located:

> *"...furnishes a thin but permeable ground-water artery from the main coastal basin to the ocean.*

Page 98 *Water levels in the gap had recovered to sea level by 1941, probably in part because of the heay rainfall of that year*

Geology, Hydrology, and Chemical Character of Ground Waters in the Torrance-Santa Monica Area, California

By J. F. POLAND, A. A. GARRETT, *and* ALLEN SINNOTT

GEOLOGICAL SURVEY WATER-SUPPLY PAPER 146

Prepared in cooperation with the Los Angeles County Flood Control District, in collaboration with the cities of Inglewood, Redondo Beach, Manhattan Beach, El Segundo, Hawthorne, Culver City, Gardena, Hermosa Beach, and Palos Verdes Estates, and with the West Basin Water Association

UNITED STATES GOVERNMENT PRINTING OFFICE, WASHINGTON : 195

"Fifty-foot gravel."—In Ballona Gap, the lower division of the Recent series is represented by a relatively thin and irregular gravel body which was laid down by an ancestral Los Angeles River. In the area of its most characteristic development, between Culver City and the coast, its base ranges from 40 to 80 feet below the land surface, but its average depth is about 50 feet below the surface. For this reason the name "50-foot gravel" has been assigned for the purposes of this report. By means of well logs it has been traced inland beyond the narrows between the Baldwin and the Beverly Hills to its junction with the westerly arm of the Gaspur water-bearing zone, south of the La Brea plain and in the vicinity of Vermont Avenue (pl. 8).

The "50-foot gravel" ranges in thickness from 10 to 40 feet and consists generally of coarse gravel and a subordinate amount of sand. Its average thickness is only about a third as great as that of the Gaspur water-bearing zone in Dominguez Gap.

Logs of wells show that the depth to the base, position, and thickness of the "50-foot gravel" are very irregular. Thus, although the overall seaward gradient of the base of the "50-foot gravel" from northeast of the Baldwin Hills to the coast is about 8 feet per mile, that gradient has been estimated by taking an average altitude of the base from well logs that show substantial variation within short distances. Other well logs show only clay or sandy clay (silt) in the depth range where the gravel would be expected to be present. The discontinuity and irregularity in thickness and position of the "50-foot gravel" suggest that (1) it was deposited on an uneven base which may have contained both channels and terrace remnants, and (2) the backfilling was accomplished by a stream with insufficient transporting power to lay down a broad sheet of gravel across the full width of the gap. Also, during this backfilling stage, the tributary streams that discharged southward to Ballona Gap across the dissected Santa Monica plain may have been building debris cones along the north side of the gap. Those cones would doubtless have contained materials of substantially finer grain than the coarse sediments transported by an ancestral Los Angeles River.

the gravel in this westerly arm.

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As determined from well logs, west of the Baldwin Hills the transverse profile of the base of the "50-foot gravel" dips southeastward across Ballona Gap. The lowest part of the gravel generally is beneath or south of the present course of Ballona Creek; the altitude of the base at that point is about 40 feet lower than on the northwest side of the gap. This feature suggests that southward tilting of the "50-foot gravel" has occurred. If such is the case, the essentially straight alinement of the Ballona escarpment west of the Baldwin Hills may in part represent a fault scarp that has been modified to some degree by stream erosion. The substantial difference in chemical character of the native waters within the San Pedro formation to the north and south of this escarpment (pl. 19) might be interpreted as supporting this inference. Hydrologic evidence gives no clue in regard to the presence of a ground-water barrier along the escarpment.

WATER-BEARING CHARACTER

Upper division.—Because it is composed chiefly of materials of fine texture and low permeability, the upper division of the Recent is tapped by only a very few small domestic wells. It is sufficiently permeable, however, to absorb a moderate volume of water by infiltration of rain, by percolation from the streams—the Los Angeles River and Compton and Ballona Creeks—and by deep penetration of irrigation water. Most of this water first reaches the unconfined semiperched water body and ultimately is transmitted to the coarse tongues of the lower division—the Gaspur water-bearing zone and the "50-foot gravel."

Gaspur water-bearing zone.—The character of the Gaspur water-bearing zone has been discussed at length in a report by Poland (1959), and will be only briefly summarized here. The Gaspur zone is highly permeable and is tapped by wells throughout its 21-mile reach from Terminal Island to Whittier Narrows. However, for its extent within the west basin—from the coast inland some 6 miles to Del Amo Street—the zone has been contaminated by saline waters and in most of this area its water is unfit for use. Yield data are available for five wells in this coastal area. Their yield ranges from 210 to 1,500 gpm. For four of these wells, the average specific capacity (gallons per minute per foot of drawdown) is 63. Data available from pumping tests suggest that within this reach the permeability of the Gaspur zone ranges from 3,000 to 5,000 gpd per square foot.

"Fifty-foot gravel."—During the early development of ground water in Ballona Gap, the "50-foot gravel" was tapped by several scores of wells for domestic, irrigation, and stock use. Because of the decline in water levels, this water-bearing zone has been dewatered beneath a large part of the gap. Also, its water has become contaminated

foot gravel". Doubtless the fine sand has general hydraulic continuity with the "400-foot gravel."

Along the axis of the syncline (pl. 3*B*) the "400-foot gravel" commonly is overlain and underlain by impermeable layers of silt and clay from 50 to 180 feet thick and thus is physically and hydraulically separated from the "200-foot sand" above and the Silverado water-bearing zone beneath.

The "400-foot gravel" does not crop out at the land surface and so is known only from its occurrence as shown by well logs. Representative logs are given in table 28. (See logs for wells 2/14–28L1 3/13–30A2, 3/14–4N2, 10G1, and 22A1.) It is tapped by several wells of the city of Inglewood, and by three wells of the Southern California Water Co. (3/14–10C1, 22A1, and 23L1); also by many privately owned irrigation wells.

The yield is known for only two wells that tap the "400-foot gravel." Well 3/14–10C1 has a reported yield of 500 gpm; tests show that well 3/14–23L1 yielded 600 gpm with a drawdown of 51 feet, giving a specific capacity of about 12 gpm per foot of drawdown. This water-bearing zone is less than 50 feet thick as tapped in these two wells; thus the permeability is inferred to be relatively high, and about the same as that of the underlying Silverado water-bearing zone.

The "400-foot gravel" is entirely a confined aquifer and contains water under artesian pressure. As shown by the hydrograph for well 3/14–23L1 (fig. 5), the water level in this gravel near Gardena in 1945 was only a few feet above the pressure level in the Silverado water-bearing zone beneath. Because under native conditions recharge to the "400-foot gravel" presumably was chiefly through its marginal hydraulic contact with the Silverado water-bearing zone, the current head differential would indicate that the "400-foot gravel" now is receiving little recharge.

Silverado water-bearing zone.—In an earlier report (Poland, Piper, and others, 1956, p. 69) the name "Silverado water-bearing zone" was assigned to the most extensive of the Pleistocene aquifers of the Long Beach-Santa Ana area. The informal term Silverado water-bearing zone is not to be confused with the formal term Silverado formation (of Woodring and Popenoe, 1945) of Paleocene age of the Santa Ana Mountains, Orange County. The Silverado water-bearing zone was named for its typical occurrence in well 4/13–23G2 in Silverado Park within the city of Long Beach; the log is given in table 28. At this well the Silverado water-bearing zone is represented by 478 feet of sand and gravel from 596 to 1,074 feet below land surface. From data on other wells in the vicinity, the base of the Silverado water-bearing zone at this well is considered to be about 1,100 feet below land surface, and the full thickness to be about 500 feet (pl. 2 and fig. 2). The

MOVEMENT IN THE CULVER CITY SUBAREA

Summary of geologic features.—Ballona Gap, a broad trench cut into the Pleistocene deposits by an ancestral Los Angeles River, is floored by deposits of Recent age to a depth of 40 to 80 feet below land surface. These deposits consist of an upper and a lower division. The upper division consists chiefly of clay, silt, and fine sand; it is from 10 to 40 feet thick and of low permeability. The lower division, the "50-foot gravel," is composed almost wholly of gravel, but locally contains lenses of coarse sand. Its thickness ranges from 10 to 40 feet and its average base is about 50 feet below land surface. The "50-foot gravel" blankets most of the gap (pl. 8) and furnishes a thin but permeable ground-water artery from the main coastal basin to the ocean.

Everywhere within the gap, the "50-foot gravel" is presumed to be underlain by the San Pedro formation. Near the coast, the San Pedro largely consists of sand and gravel; but inland beyond the Inglewood fault more than half the formation is made up of layers of silt and clay, which separate and confine the layers of sand and gravel (pl. 3*D*). Within and adjacent to Ballona Gap, three faults divide the San Pedro formation into distinct blocks which are critical with respect to water circulation and to movement of contaminated waters. These three faults are subparallel and trend about north-northwest. So far as known, they do not transect the deposits of Recent age and presumably do not interrupt hydraulic continuity in the "50-foot gravel." (See p. 76 and 78.)

Of the three faults, the Inglewood fault, the farthest inland, passes across the gap about 6 miles from the coast and forms the inland boundary of the west basin in this area. The Sentney plant of the Southern California Water Co. (in 2/14–5D) is a short distance east of this fault and within the main coastal basin. Logs of wells at this plant show that three distinct aquifers in the San Pedro formation yield water to wells and that the three are separated by impervious strata.

The Overland Avenue fault is about 2 miles coastward from the Inglewood fault. Between these two faults, an upthrown block of the San Pedro formation contains water-bearing beds whose thickness ranges from 50 to 100 feet. The subbasin within this block is termed the crestal subbasin.

The Charnock fault is about 1.2 miles west of the Overland Avenue fault and 3 miles from the coast. Between these two faults the San Pedro formation has been dropped and the main water-bearing zone is as much as 350 feet thick. In subsequent discussion, the subbasin within this block will be referred to as the Charnock subbasin. Coastward from the Charnock fault the San Pedro formation is gently

The "50-foot gravel" may conduct some water into the Charnock subbasin, from both the east and the west. As shown by geologic section *D–D'* (pl. 3*D*), the "50-foot gravel" is in contact (at least locally) with the water-bearing beds of the San Pedro formation within the Charnock subbasin, and presumably some downward percolation of water occurs. However, fragmentary records of water levels in shallow wells indicate that in the part of the subbasin north of Ballona Creek, the "50-foot gravel" has been essentially dewatered for the past two decades. Southward from Ballona Creek, the base of the "50-foot gravel" locally is as much as 60 feet below sea level, and this water-bearing zone still must be almost wholly saturated.

Coastal area.—Between the Charnock fault and the coast, the "50-foot gravel" of Ballona Gap and the underlying main water-bearing zone of the San Pedro formation are in contact at many places, as shown by logs of wells. Thus, these water-bearing zones may have fair hydraulic continuity (p. 127). The water-level contours of 1903–4 indicate a general oceanward movement of water through these deposits, with a coastward hydraulic gradient of about 10 feet per mile. North of the gap, the water-level gradient was southward, indicating some replenishment from the Santa Monica upland area.

By the late twenties water levels in this coastal part of Ballona Gap had been drawn down as much as 10 to 30 feet and were from 5 to 15 feet below sea level (see pl. 9 for levels in 1933). The water-level contours of March 1933 indicate some continuing contribution from the north, but the underflow to the gap from beneath the Ocean Park and Santa Monica plains must be small because: (1) the water-bearing deposits are thin, and (2) southward movement is impeded by the ground-water barrier about at the north edge of T. 2 S., which is inferred to be a fault zone. Water levels in the gap had recovered to sea level by 1941, probably in part because of the heavy rainfall of that year but chiefly owing to a general decrease of draft for irrigation and cessation of pumping by the Marine plant of the city of Santa Monica in 2/15–9N; both actions were caused by saline encroachment. However, from the early thirties to date, the water level in this coastal part of the gap has been essentially flat and movement of water apparently has been largely in response to local draft. Except for withdrawals from the Marine plant to which reference has been made, that draft has been moderate and widely distributed. Because water levels were below sea level from the middle twenties through the thirties, sea water has advanced inland beyond Lincoln Boulevard and about half the distance from the coast to the Charnock fault (p. 197).

Outlook

JOHN DAVIS Re: Item 15 Petition 2021-026 Request to Speak

From John Davis <[redacted]>

Date Tue 02/11/2025 03:50 PM

To FGC <FGC@fgc.ca.gov>; Cornman, Ari[redacted]>; Miller-Henson, Melissa[redacted]>; samanthamurray[redacted]<[redacted]>; commissioner.zavaleta[redacted]<[redacted]>; commissionerdariusanderson[redacted]<[redacted]>

Cc patricia mcpherson <[redacted]; jeanette vosburg <[redacted]; Margot Griswold <[redacted]>; Kathy Knight <[redacted]>

California Department of Fish and Wildlife
Att: Fish & Game Commission
Samantha Murry President
Erika Zavleta Vice President
Jaque Hostler-Carmesin Commissioner
Eric Sklar Commissioner
Darius W. Anderson Commissioner
Re: Item 15 Petition 2021-026 Request to Speak

Honorable President Murry and Vice President Zavleta, 2/11/2005

I fully support approving Petition 2021-026. First, I request the matter be continued because the Staff Report is inadequate to make a fully informed decision for the following reasons:

1. TERRESTRIAL ECOLOGICAL RESERVE - Statements at a public hearing by the prior DFW Director Treanor contradict the Staff Report. Former Director Treanor states the Ballona Wetlands is a terrestrial ecological reserve.

https://cal-span.org/meeting/cfg_20050819/. Exec Director FGC-Treanor at 3:39: 32, Item 21, Ballona ER induction Section 630..."These are terrestrial ecological reserves"...Treanor....

Page 4 of the State of California Fish and Game Commission Memorandum contradicts Director Treanor's statement on page 4.

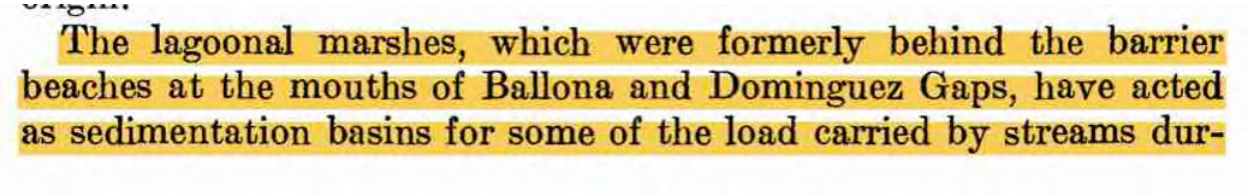
> *" Moreover, freshwater retention could hinder the goal of restoring BWER to a tidally-influenced wetland system."*

Contrarily, the Staff Report claims the BWER is a marine Ecological Reserve.

This contraction must resolve before the Commission can present a fully informed decision to approve or deny the petition. The Staff report does not resolve this contradiction.

Furthermore, the authority in the matter, the U.S. Geological Survey, contradicts the DFW

claim in Water-Supply Paper 146. DFG is not the authority in the matter. Pages 27 - 28 o the USGS report confirms that the Ballona Lagoonal Marsh was behind barrier beaches at the mouth of the Ballona Gap, contrary to the unfounded CDFW claim the Reserve was a tidal salt-water marsh and /or embayment.



The lagoonal marshes, which were formerly behind the barrier beaches at the mouths of Ballona and Dominguez Gaps, have acted as sedimentation basins for some of the load carried by streams dur-

Page 4. of the Staff Report makes a false and prejudicial statement that the "restoration" of project is forthcoming:

> "Management of hydrology at BWER will be a major factor in the forthcoming restoration project."

The truth is, there is no forthcoming restoration. The matter has been litigated and the Judge ruled a new EIR would be required. This is indisputable.

The Commission cannot base is decision in this matter on false and prejudicial statements.

2. OWNERSHIP AND JURISDICTION - The Staff Report misleading infers that DFW fully owns the Ballona Creek Channel without acknowledging Land Ownership of the Federal Government.

BEGINNING ON PAGE 16 of the Staff Report

Easements and Rights of way are indisputable types of Land Ownership.
The land deeds are clear: The U.S. Army Corp of Engineers fully owns certain easements and rights of way for Ballona Creek Flood Control system including the levees. Here the Federal jurisdiction severely limits DFW jurisdiction. DFW only retains the same jurisdiction prior to the transfer of the lands by a private party to the State of California.

DFW regulations do not have precedence over the federal easement. The U.S. Constitution's Supremacy Clause establishes that federal law takes precedence over state law when the two conflict. This means that the Constitution is the "supreme law of the land".

The U.S. Army Corp of Engineers retains exclusive jurisdiction over the flood control facility and the Los Angeles County Flood Control District operates the flood control facility on behalf of the Federal Government:

The U.S. Army Corp of Engineers maintains exclusive jurisdiction over:

- Flood Control Works including the levees.
- Construction and modification of the flood control works.
- Negational Waterways

DFW has no jurisdiction whatsoever in these matters. It cannot assert the general authority pursuant to Section 630. The Ballona Creek Flood Control Easement is Federal. Therefore, the Commission must change the regulations to acknowledge that it has no authority to dictate boating rules that contradict the provisions of Federal Easements, such as that of the Ballona Flood Control Easement.

Asserting that DFW can issue permits for boats in Ballona Creek conflicts with the jurisdiction of the U.S. Army Corp of Engineers and must be resolved within the DFW regulations. Furthermore, DFW does not have any legal jurisdiction to make any changes to the Levees or their use.

3. UNOFFICAL MAPS PRESENTED TO COMMISSION -

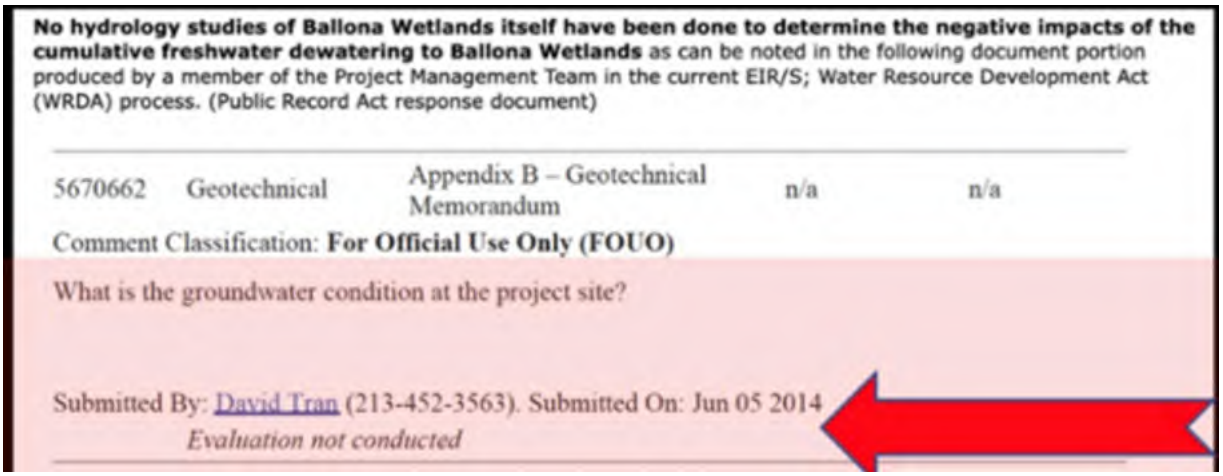
Staff Report

PAGE 16 of the Staff Report presents unofficial maps of the BWER and encourages this Commission to base its official decision on unofficial maps provided by an unidentified third party.

The Los Angeles County Accessors Recorders Office is the Authority in the Matter of land ownership in Los Angeles County. The Ballona Ecological Reserve is in Los Angeles County.

The Commission cannot base it official decision on unofficial documents. The maps provided may be inaccurate or fraudulent. The Commission must require its Staff to produce official maps provided by Office of the Los Angeles Accessor and Recorders Office, the authority in the matter.

4. HYDROLOGY – DFW is not the authority in the matter of hydrology and simple references to surface and groundwater do not represent a hydrological study. It has not conducted a study."



In Accordance with the California Sustainable Groundwater Act (SGMA), the Santa Monica Santa Monica Groundwater Basin Sustainability Agency (SMGBA) is the authority in the matter of hydrology. SMGBA shall produce a Groundwater Sustainability Plan for the Santa Monica Basin (SMGSP). The plan is not yet complete.

DFW is not the authority in the matter of hydrology. For this commission to agree that hydrology has already been addressed would be fraudulent and would represent an attempt to undermine the authority in the matter, the SMGBA. If and until the SMGSP is complete, DFW should not falsely infer it has conducted its own unique hydrology plan. It must wait for the authority in the matter to complete the SMGSP. There is no choice in the matter.

SGMA LINK
https://water.ca.gov/programs/groundwater-management/sgma-groundwater-management

The Venice – Sub Basin of the Santa Monica Groundwater Basin has been designated as a potential source of drinking water under the State Porter Cologne Act. The Act governs water quality, not DFW.

PORTER COLOGNE LINK

https://www.waterboards.ca.gov/laws_regulations/docs/portercologne.pdf

Yet, DFW propose to invite more salt-water intrusion into aquifers that have already been

contaminated by constructing a saltwater embayment that acts as a flood control basin for a private project. Such a project would represent an unconstitutional gift of public funds. Article XVI, Section 6 of the California Constitution prohibits a public agency from making any gift of public funds .

ARTICLE XVI, SECTION LINK

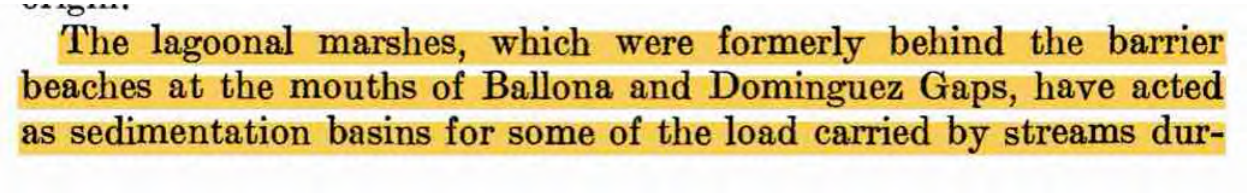
https://debtguide-api.treasurer.ca.gov/guide-pages/chapter-7-additional-requirements-imposed-on-issuers-of-municipal-debt/7-3-prohibition-of-gift-of-public-funds

Page 4. of the State of California Fish and Game Commission Memorandum states:

> *"a regulation governing the flow and disposition of rainwater that enters the reserve is inadvisable and that the Commission should not consider enacting such a regulation."*

Per former Exec Director FGC-Treanor, the BWER is a terrestrial wetland. Terrestrial wetlands rely on rainwater for surface and groundwater recharge. The BWER should be designated as a Groundwater Dependent Ecosystem.

The authority in the matter, the U.S. Geological Survey, contradicts the DFW claim in Water-Supply Paper 146.



The lagoonal marshes, which were formerly behind the barrier beaches at the mouths of Ballona and Dominguez Gaps, have acted as sedimentation basins for some of the load carried by streams dur-

Centinela Creek, its source originally in Centinela Spring in what is now the Centinela Park well field of the city of Inglewood, drains the south flanks of the Baldwin Hills and the area southwest of the Hills. The following quotation from a report by Kew (1923, p. 157) is of interest:

> Before the city of Inglewood obtained its water supply from wells at the Centinela Spring, a stream carrying one hundred and twenty-five inches of water issued from this spring, and flowed down Centinela Creek, forming these channels, which are now nearly obliterated. During wet weather it was even possible to row a boat up to the spring from Playa del Rey.

Centinela Creek flows northwestward into Ballona Gap, turns southwestward and follows a course nearly parallel to and southeast of Ballona Creek, and then discharges into the coastal marshes.

The Coastal Area of the Ballona Gap 50ft gravel layer and underlying main water-bearing zone, in the BWER, are in contact in many places. Groundwater levels were drawn down as much as 30 ft by the late twenties.

The "50-foot gravel" may conduct some water into the Charnock subbasin, from both the east and the west. As shown by geologic section *D–D'* (pl. 3*D*), the "50-foot gravel" is in contact (at least locally) with the water-bearing beds of the San Pedro formation within the Charnock subbasin, and presumably some downward percolation of water occurs. However, fragmentary records of water levels in shallow wells indicate that in the part of the subbasin north of Ballona Creek, the "50-foot gravel" has been essentially dewatered for the past two decades. Southward from Ballona Creek, the base of the "50-foot gravel" locally is as much as 60 feet below sea level, and this water-bearing zone still must be almost wholly saturated.

Coastal area.—Between the Charnock fault and the coast, the "50-foot gravel" of Ballona Gap and the underlying main water-bearing zone of the San Pedro formation are in contact at many places, as shown by logs of wells. Thus, these water-bearing zones may have fair hydraulic continuity (p. 127). The water-level contours of 1903–4 indicate a general oceanward movement of water through these deposits, with a coastward hydraulic gradient of about 10 feet per mile. North of the gap, the water-level gradient was southward, indicating some replenishment from the Santa Monica upland area.

By the late twenties water levels in this coastal part of Ballona Gap had been drawn down as much as 10 to 30 feet and were from 5 to 15 feet below sea level (see pl. 9 for levels in 1933). The water-level contours of March 1933 indicate some continuing contribution from the north, but the underflow to the gap from beneath the Ocean Park and Santa Monica plains must be small because: (1) the water-bearing deposits are thin, and (2) southward movement is impeded by the ground-water barrier about at the north edge of T. 2 S., which is inferred to be a fault zone. Water levels in the gap had recovered to sea level by 1941, probably in part because of the heavy rainfall of that year but chiefly owing to a general decrease of draft for irrigation and cessation of pumping by the Marine plant of the city of Santa Monica in 2/15–9N; both actions were caused by saline encroachment. However, from the early thirties to date, the water level in this coastal part of the gap has been essentially flat and movement of water apparently has been largely in response to local draft. Except for withdrawals from the Marine plant to which reference has been made, that draft has been moderate and widely distributed. Because water levels were below sea level from the middle twenties through the thirties, sea water has advanced inland beyond Lincoln Boulevard and about half the distance from the coast to the Charnock fault (p. 197).

"By 1941 water levels had recovered , probably in part because of heavy rainfall…"

*Therefore, a regulation governing the flow and disposition of rainwater that enters the reserve **is advisable** and that the Commission **should** consider enacting such a regulation."*

Such a regulation would increase the freshwater in the lagoonal deposits that were separated from the sea by a coastal barrier. It would serve to recharge freshwater to the underlying aquifers that have been designated a potential source of drinking water. The changed regulation would increase the amount of ponding surface water and support flora and fauna in the Pacific Flyway. This decision would have far reaching positive effects beyond the boundaries of the BWER.

REQUEST:

Please continue the hearing until all the information needed for the Commission to make a fully informed decision is provided by Commission Staff.

OR

Approve the petition by Grassroots Coalition.

Respectfully submitted,

John Davis

[redacted]

Outlook

Fw: FGC Feb. 2025 Item 15, Petition 2021 026

From patriciamcpherson <[redacted]>
Date Wed 02/12/2025 09:23 AM
To FGC <FGC@fgc.ca.gov>; Cornman, Ari[redacted]; Miller-Henson, Melissa[redacted]>; samanthamurray[redacted] <[redacted]>; commissioner.zavaleta[redacted] <[redacted]>; fgcericsklar[redacted] <[redacted]; commissionerdariusanderson[redacted] <[redacted]>

Staff Recommendation also directly contradicts the attached letter from CDFW Betty Courtney regarding concerns known by CDFW to be harming the Ballona Wetlands due to failure to ensure freshwater conveyance into Ballona Wetlands via the CDFW Streambed Agreement with Playa Vista.

The Staff Recommendation to deny input from the FGC Commissioners for accountability from CDFW that would ensure protection to Ballona's freshwater resources (aside from thwarting SGMA and Ballona as a GDE,) is in direct contradiction to this CDFW letter wherein harm is already known by CDFW to have occurred to Ballona's natural resources and that should be stopped.

There has been no accountability from CDFW since this letter was written.
Grassroots Coalition continues to request assistance from the Fish and Game Commissioners to secure accountability for the protection of Ballona's freshwater resources as stated in Petition 2021- 026.

[2017 California Department of Fish & Wildlife, (CDFW) Betty Courtney Cites Harm to Ballona Due to Reduced Water Flow From Playa Vista | Grassroots Coalition]

Patricia McPherson, Grassroots Coalition

----- Forwarded Message -----
From: patriciamcpherson[redacted] <[redacted]>
To: California Fish and Game Commission <fgc@fgc.ca.gov>; Cornman <[redacted]>; melissa.miller-henson[redacted] <[redacted]>; samanthamurray[redacted] <[redacted]>; commissioner.zavaleta[redacted] <[redacted]>; fgcericsklar[redacted] <[redacted]>; commissionerdariusanderson[redacted] <[redacted]>

Cc: jeanette vosburg <[redacted]>
Sent: Monday, February 10, 2025 at 10:17:55 AM PST
Subject: FGC Feb. 2025 Item 15, Petition 2021 026

Please distribute to all Commissioners timely for the February 12, 2025 Meeting Re: Item 15, Petition 2021 026
Thank you,
Patricia McPherson, Grassroots Coalition

2017 California Department of Fish & Wildlife, (CDFW) Betty Courtney Cites Harm to Ballona Due to Reduced Water Flow From Playa Vista | Grassroots Coalition

2017 California Department of Fish & Wildlife, (CDFW) Betty Courtney Cit...

Outlook

Agenda Item 22 DFG meeting 2/13/2025

From Andrew Hutton <[redacted]>
Date Thu 02/13/2025 01:39 PM
To FGC <FGC@fgc.ca.gov>; gavin.newsom@gov.ca.gov <gavin.newsom@gov.ca.gov>

I was shocked and appalled at the commission's decision to limit public comments to one minute on this item.

These speakers are overwhelmingly opposed to further regulation which is why I suspect their voices are being silenced. Most concerningly, you are minimizing the voice of the taxpayers and business owners that will be aversely impacted by the decision you apparently have already made. The fact you would not give these families and taxpayers one hour of the commission's time on an item that will bankrupt them and change fishing families that have existed for decades was disgusting to see.

And just to clear up assumptions. I am a life long Democrat and very liberal- today's meeting has me rethinking that.

Sent from my iPhone

Outlook

A SCATHING INDICTMENT: THE CALIFORNIA FISH AND GAME COMMISSION'S COMPLETE FAILURE TO PROTECT SALMON AND NORTHERN CALIFORNIA'S Ecosystems

From Capt. Cameron Smith (Capt Cam) <[redacted]>
Date Thu 02/13/2025 10:34 AM
To FGC <FGC@fgc.ca.gov>
Cc CAPT. CAMERON SMITH <[redacted]>

A SCATHING INDICTMENT: THE CALIFORNIA FISH AND GAME COMMISSION'S COMPLETE FAILURE TO PROTECT SALMON AND NORTHERN CALIFORNIA'S Ecosystems

fgc@fgc.ca.gov

A Broken System: The Fish and Game Commission's Abandonment of Duty

For the past two decades, the California Fish and Game Commission has utterly failed in its responsibility to protect and preserve our salmon, sturgeon, steelhead, and all other anadromous fisheries.

Charged with upholding California's environmental laws, the Commission has instead **stood idly by as salmon populations collapsed, ecosystems crumbled, and corporate greed hijacked water policies.**

This isn't just negligence—it's **willful complicity** in the destruction of Northern California's lifeblood. The Commission has allowed **illegal water diversions** to drain our rivers dry, ignored the enforcement of the **1992 Central Valley Project Improvement Act**, and **enabled the siphoning of our public water resources to line the pockets of billionaires** at the expense of Northern California's fishing industry, indigenous tribes, and working families.

Decades of Criminal Neglect: The Destruction of California's Fisheries

1. The Illegal Water Diversions That Have Pushed Salmon to Extinction

For **30 years**, a massive theft of water has been taking place under the nose of the Fish and Game Commission. **Corporate agribusiness in the Southern California desert, particularly the Westlands Water District and Stewart Resnick's almond empire, have drained the Sacramento-San Joaquin Delta dry**—stealing water that rightfully belongs to the rivers, the fish, and the people of Northern California.

- **Salmon Runs Collapsing** – Once numbering in the millions, **California's salmon runs have been decimated**, with entire populations now teetering on the brink of extinction.
- **Steelhead, Sturgeon, and Smelt Pushed to the Edge** – Other fisheries that depend on healthy river ecosystems have also been devastated due to reckless water diversions.

- **Laws Ignored, Fisheries Destroyed** – The Fish and Game Commission has failed to challenge the corrupt, politically motivated decisions that **prioritized corporate agriculture over the survival of an entire ecosystem**.

2. Failure to Enforce the 1992 Central Valley Project Improvement Act

The **1992 Central Valley Project Improvement Act (CVPIA)** was designed to **restore fish populations and ensure that water was fairly allocated between environmental and agricultural uses**. Yet, year after year, the Fish and Game Commission has allowed this law to be blatantly violated **without consequence**.

- **Required Water Flows Ignored** – Instead of ensuring that rivers received the necessary flows to sustain fish populations, the Commission has allowed water to be redirected to industrial agriculture, **killing fish before they even had a chance to spawn**.
- **State-Funded Restoration Efforts Sabotaged** – Even when millions of dollars were allocated for salmon restoration, **projects were systematically undermined by the same government officials tasked with protecting fisheries**.
- **Total Regulatory Failure** – The Commission has repeatedly rubber-stamped water policies that **prioritize corporate profits over legally mandated environmental protections**.

Puppets of the Governor: The Fish and Game Commission's Corrupt Ties to Newsom

Under Governor **Gavin Newsom's** leadership, the Fish and Game Commission has **descended into nothing more than a political puppet show**. Rather than acting as an independent body to protect California's fisheries, the Commission has been a **willing accomplice to Newsom's blatant disregard for environmental laws**.

- **Newsom Fired Environmental Advocates** – Governor Newsom removed **Felicia Marcus and Cindy Tuck**, two environmental leaders who were pushing for stronger water protections, replacing them with individuals **loyal to corporate agribusiness**.
- **Executive Orders Favoring Water Diversions** – Instead of enforcing existing protections, Newsom has **pushed executive orders that increase water deliveries to the very industries destroying California's salmon runs**.
- **A Rigged System** – The Commission has become a **rubber-stamp organization**, where policies are dictated by political donors and agribusiness lobbyists rather than scientific evidence and environmental law.

A CALL TO ACTION: STOPPING THE COLLAPSE BEFORE IT'S TOO LATE

Enough is enough. The California Fish and Game Commission must be held accountable for its failures and forced to uphold the laws it has ignored for decades. The only way to prevent total salmon extinction and save Northern California's ecosystems is through immediate and drastic action:

1. **IMMEDIATE TERMINATION of Water Deliveries to Southern California Almond Agribusiness – End all exports of water to the Westlands Water District and other industrial agribusinesses in the Southern California desert**.
2. **FULL ENFORCEMENT of the 1992 Central Valley Project Improvement Act** – Ensure that all illegally diverted water is **immediately returned to California's rivers to sustain fish populations**.
3. **FEDERAL INVESTIGATION into the Fish and Game Commission's Complicity** – A congressional investigation must be launched into **why the Commission has allowed this environmental catastrophe to unfold**.

4. **BUILD A NEW HATCHERY at Butte City to Produce 100 Million Smolts Annually** – A massive new hatchery is needed to replenish the salmon runs that have been systematically wiped out.
5. **IMMEDIATE $6 BILLION DISASTER RELIEF for Fishing Communities** – Commercial and recreational fishing industries devastated by years of fishery closures must be compensated for their losses.
6. **END GOVERNOR NEWSOM'S EXECUTIVE ORDERS THAT DESTROY FISHERIES** – Reverse every executive order that has prioritized agribusiness over the survival of salmon, sturgeon, steelhead, and Northern California's economy.

The Needs of the Many Must Outweigh the Greed of the Few

The destruction of Northern California's fisheries is not an accident—it is the result of decades of **political corruption, regulatory failure, and outright theft**. The Fish and Game Commission has become **a tool of billionaire agribusiness, rather than the guardian of California's natural resources**.

This is a crisis of **extinction**—not just of salmon, but of an entire way of life for Northern California's fishing communities. We cannot afford another decade of inaction.

The Fish and Game Commission must be dismantled, rebuilt, and forced to uphold the laws that have been ignored for far too long. The people of Northern California demand justice, and we will not be silenced.

Capt. Cameron R. Smith
Capt. Cam's Catch FG-04667
Email: [redacted]
Tel: [redacted]
Admin, Moderator, or Member of over 1250 Facebook Fishing & Hunting groups for 15+ years. https://www.facebook.com/camsmith112/groups
Website: https://captcamscatch.shutterfly.com/#
FaceBook: https://www.facebook.com/camsmith112, https://www.facebook.com/captcamscatch1
https://www.facebook.com/Capt.CamsCatch/
SALMON STEELHEAD FISHING BENICIA 94510
https://www.facebook.com/groups/535233148297805
https://www.facebook.com/lakeberryessafisheriesadvocate
Lake Berryessa Kokanee, King Salmon and Trout Fishing a Facebook group
https://www.facebook.com/groups/211901729188967
Over 10 Million Followers of my FaceBook Fishing and Hunting pages and groups.
CAPT. CAM'S CATCH. WE GO CATCHIN'.
CAPT. CAM~~~ <*)((((((<><

Outlook

679 Rulemaking Public Comment

From Joleen Belle <[redacted]>
Date Tue 02/25/2025 11:01 AM
To Wildlife WHL Rehab <RehabWildlife@wildlife.ca.gov>; FGC <FGC@fgc.ca.gov>

Dear Wildlife Rep.,

I hope you're doing well. I'm reaching out to express my deep appreciation for the invaluable work that wildlife rescues and rehabilitation centers do. As a resident of Sherman Oaks, CA, I frequently come across injured wildlife in my neighborhood—birds, squirrels, crows, possums, raccoons, skunks, owls, and more.

Over the years, I have relied on organizations like California Wildlife Rescue and Sharon Baird's *Squirrelmender Wildlife Rehabilitation* to care for these animals. Without them, I wouldn't know where to turn. It would be heartbreaking—and inhumane—to have no options for helping an injured or sick animal in need.

I sincerely hope that policies and funding will continue to support these vital organizations, allowing them to thrive and provide care for the countless animals that depend on them. Please keep this in mind as you make decisions that impact their future.

Thank you for your time and consideration.

Best regards,
Joleen Bell

Outlook

Fwd: The need for Adaptive Marine Management

From Ashcraft, Susan [redacted]
Date Wed 02/26/2025 07:20 AM
To FGC <FGC@fgc.ca.gov>

For April Commission meeting, gpc.

From: Jack Likins [redacted]
Date: February 24, 2025 at 5:03:05 PM PST
To: "Miller-Henson, Melissa [redacted], "Ashcraft, Susan [redacted]
Cc: F&GC Emails F&GC Emails <FGC@public.govdelivery.com>
Subject: The need for Adaptive Marine Management

Hi Melissa and Susan,

I sent the attached letter to Wade Crowfoot in hopes of inspiring changes in the way we manage the marine environment. I would also like my letter to be considered as a public comment to the FGC. Whatever support that you can provide is much appreciated.

Thankx,

Jack Likins

February 24, 2025

Wade Crowfoot, Secretary
California Natural Resources Agency
715 P St., 20th Floor
Sacramento, CA 95814

Subject: Urgent Need for Adaptive Marine Resource Management in California

Dear Secretary Crowfoot,

With over six decades of experience as a former Laguna Beach Lifeguard, scientific diver, co-author of two papers on fisheries management, and extensive diving along the entire California coast and Channel Islands, I am writing to express concerns regarding the management of California's marine resources. Despite adequate funding and extensive research, there appears to be a lack of effective and timely direct action to address the ongoing threats to the state's marine ecosystems, resulting in missed opportunities for the meaningful protection of these vital natural marine resources.

Given the challenges posed by rapid climate change and human activity, it is imperative to take timely action to protect California's coastal waters. My greatest concern is that responsible regulatory agencies—including the California Natural Resource Agency (CNRA), the California Environmental Protection Agency (CalEPA), the California Coastal Commission (CCC), the Ocean Protection Council (OPC), the California Department of Fish and Wildlife (CDFW), and the Fish and Game Commission (FGC)—may lack the agility and inter-agency coordination to effectively fulfill their core responsibilities in a timely manner. Additionally, these agencies are often diverted by issues unrelated to their primary mandate of protecting and managing California's marine environment. Despite substantial taxpayer funding directed toward State environmental agencies, academic institutions, and environmental non-governmental organizations (ENGOs) focused on research, tangible progress in addressing California's deteriorating marine ecosystems remains inadequate partially due to allocation of available funding and resources.

Key Concerns:

1. **Marine Protected Areas (MPAs) and Pollution:** Millions of dollars have been invested in establishing and monitoring MPAs that restrict human use; yet efforts to combat pollution and toxic runoff—major threats to marine life—are lacking. Pollution-related beach closures in Southern California and declining biodiversity within MPAs highlight this issue. If the ocean is unsafe for humans, one can only imagine pollution's impact on fragile marine life.
2. **Complicated Bureaucratic Processes and Regulatory Restrictions:** While California is committed to "adaptive" marine management, lengthy bureaucratic processes and restrictive regulations hinder the State agencies' ability to adapt to the rapidly changing environmental. Delays in decision-making have led to missed opportunities to address critical issues before they escalate. Examples include:

- **Kelp Forest Collapse & Urchin Barrens:** A decade ago, CDFW's marine scientists identified the decimation of Northern California's kelp forests by purple urchins as a crisis. They labeled it "The Perfect Storm." ['Perfect Storm' Has North Coast Marine Ecosystem Reeling, Abalone in Crisis | News | North Coast Journal]. Despite numerous studies by the CDFW, OPC, ENGOs, and academic institutions, there is still no comprehensive plan to address the urchin explosion, kelp loss, or the cascading effects on all marine species.
- **Red Abalone Management Delays (from my personal involvement):** More than a decade ago, the CDFW, in collaboration with the OPC, stakeholders, ENGOs, and academic institutions began developing a new recreational Red Abalone Fishery Management Plan (FMP) facilitated by an outside consultant. The process took so long that it had to be changed to a Red Abalone Recovery Plan (RARP) before it could be implemented. Four years after announcing the RARP, it has yet to begin.
- **Regulatory Inflexibility in Fisheries Management:** A recent study [Measuring the effectiveness of fisheries management to sustainably produce food | ICES Journal of Marine Science | Oxford Academic]) highlights how U.S. fisheries operate below maximum sustainable yields (MSY) due to regulatory constraints. These well-intentioned but restrictive regulatory policies slow adaptation to changing environmental conditions. The inability to react in a timely manner is forcing the U.S. to import most of its seafood and worsening the global marine crisis by shifting fishing pressure to countries with weaker regulations.
- **"Zombie" Urchins in Monterey Bay MPAs:** Despite the presence of sea otters, unchecked urchin populations continue to devastate kelp forests within MPAs. These zombie urchins provide little nutritional value, forcing otters to prey on other species and exacerbating ecological imbalances. Without allowing intervention inside of MPAs, the degradation within them will persist. This again emphasizes the need for more adaptive management policies which encourage timely actions.

3. **Spending on Non-Environmental Programs:** Programs like Justice, Equity, Diversity, and Inclusion (JEDI) are important to many but divert resources and funding away from agencies' primary responsibilities—protecting and managing California's wildlife, and their environments.

To address these urgent issues, I urge you to consider the following actions:

1. **Prioritize Marine Pollution Reduction:** Shift resources from expanding MPAs to actively mitigating pollution. Work closely with CalEPA, CCC, the Wildlife Conservation Board (WCB), and the California Natural Resources Agency (CNRA) to combat urban and agricultural runoff through stricter pollution controls, improved water treatment infrastructure, and public education campaigns.
2. **Streamline Regulatory Processes for Adaptive Management:** Enable faster responses to environmental threats by reforming bureaucratic processes and allowing regulatory flexibility in addressing urgent issues like urchin overpopulation, kelp loss, ocean acidification, and warming waters.
3. **Reduce Non-Environmental Expenditures:** Minimize or eliminate spending on programs like JEDI and other social initiatives that do not directly contribute to marine conservation and fisheries management.

4. **Enhance Collaborative Action Plans and Data Sharing:** Improve real-time monitoring of marine environments by fostering collaboration between state agencies, ENGOs, universities, and stakeholders. This approach will reduce costs for taxpayers while enhancing the availability of critical data for decision-making.
5. **Encourage Practical, Incremental Action Plans:** Risk is inherent in any environmental action, but inaction is riskier. Agencies should engage the public in small-scale, well-managed intervention efforts to evaluate solutions before problems become unmanageable.
6. **Emphasize Adaptive Biodiversity Management:** Rather than attempting to restore biodiversity and fish populations to unrealistic historical levels, focus on adaptive strategies that align with ongoing environmental changes. Prioritize efforts that benefit both the marine ecosystem and communities reliant on marine resources.
7. **Shift Fisheries Management Toward Sustainability Instead of Closure:** Implement adaptive management strategies that balance ecological health and sustainable fisheries. Consider measures like localized catch limits, rotational fishing zones, habitat restoration, and enhanced enforcement of responsible fishing practices.

In Conclusion:

California's marine ecosystems and fisheries are too valuable to be left vulnerable to bureaucratic inertia and ineffective responses. Under your leadership, I believe California's agencies can rise to meet these urgent challenges and establish a more sustainable and resilient future for our oceans as well as the people who depend on them.

Thank you for your time and attention to this critical matter. I look forward to your response and hope to see swift, positive changes in California's approach to marine resource management.

Sincerely,

Jack Likins

Copies by email:

California Natural Resource Agency (CNRA)

California Environmental Protection Agency (CalEPA)

California Ocean Protection Council (COPC)

California Fish and Game Commission (CFGC)

California Coastal Commission (CCC)

California Department of Conservation (CDOC)

California Department of Fish and Wildlife

Wildlife Conservation Board (WCB)

John Laird, California State Senator

Dave Min, 47th District Representative

Outlook

(7) General Public Comment: Why are the “pop-up” crab pots still not in use?

From Phoebe Lenhart <[redacted]>
Date Thu 02/27/2025 02:12 PM
To FGC <FGC@fgc.ca.gov>

Dear FGC,

This email is sent from a member of the public who is concerned about the CA FGC/ CA DFW lack of implementation of the replacement of the existing crab traps with the approved “pop-up” crab pots.

It is my understanding that the “pop-up” crab pots were approved by the DFW 4 years ago. Last year, 2024, saw the highest number of whale entanglements in crab traps along the CA and OR Coast.

Please, initiate the use of the “pop-up” crab pots promptly. If it so happens that “money” is behind the delay of the conversion from the traps (in current use) to the “pop-up” pots, please consider offering the crabbers a financial incentive. May I suggest a “recycling “ initiative for exchanging the traps for the “pop-up” pots?

Whales and sea turtles are killed every year due to the crab traps and entanglements. As a member of the public, it is NOT acceptable for the DFW/FGC and the crabbers to continue to operate in this status quo. Please convert to the “pop-up” pots promptly!

Thank you,
Phoebe Lenhart
Crescent City, CA
[redacted]

Sent from my iPad

Outlook

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stop live markets!

From Linda Middlesworth <[redacted]>
Date Thu 02/27/2025 09:18 PM
To FGC <FGC@fgc.ca.gov>

animals are suffering in inhumane environments and this spreads disease as well.

how dare you ignore this!
Linda Middlesworth
Sent from my iPhone

Outlook

Tomales Bay mariculture lease

From Nicole Heslip <[redacted]>
Date Fri 02/28/2025 11:12 AM
To FGC <FGC@fgc.ca.gov>

Dear Fish & Game Commission,

I recently learned of the mariculture lease proposed for Tomales Bay, CA. I have many concerns about this, as this is one of the most biologically sensitive and ecologically important areas of Tomales Bay.

The shellfish and algae cultivation would cover, shade, and occupy habitats, displacing and otherwise harming native wildlife - including shorebirds, marine mammals, eelgrass, and algae that other native species rely on. The intertidal habitat is an essential foraging habitat for migratory shorebirds along this part of the Pacific Flyway. The mariculture operation would cover mudflat and shallow water habitats by removing foraging habitat from these already-declining shorebird populations.

In addition to direct habitat loss from covered mudflats, there would be significant disturbance caused by operations and maintenance - from vessels, machines, and workers maintaining the racks and harvesting the oysters. These activities would further limit shorebirds foraging on adjacent mudflats with the noise and degradation of water quality from boat engines.

The proposed mariculture operation threatens the health of adjacent eelgrass beds, as the narrow margins between oyster and eelgrass areas make it difficult for boats to avoid damage. Eelgrass naturally expands and contracts, but this project would prevent its growth, while anchor and mooring lines could further degrade its condition.

Harbor seals, including 400-500 individuals with 100 pups, rely on Tomales Bay's waters and tidal habitats for feeding and breeding. Increased noise, visual disturbances, and pollution from the operation would disrupt these marine mammals. Additionally, proposed structures with fencing and roofing to exclude birds and mammals could have unstudied ecological consequences.

The project also includes commercial cultivation of unspecified red algae for agar production. Without clear details, there is concern that an invasive species—previously introduced through mariculture—could outcompete native algae, threatening the estuary's delicate ecosystem.

Endangered Coho salmon and threatened steelhead use the estuary, and this operation would further reduce their habitat while exposing them to human disturbances and water quality degradation.

The bay's ecosystem is already under severe stress from climate-related changes, including marine heat waves, the deaths of over 40% of the gray whale population, massive sea star die-offs, and the loss of 90% of kelp forests. Introducing additional pressures could further compromise the resilience of this fragile environment.

In summary, there are far too many legitimate, ecologically important reasons to deny this mariculture lease in Tomales Bay, and for the record, I urgently oppose it.

Thank you,

Nicole Heslip
San Anselmo, CA resident

Outlook

Concerns regarding the Sierra Big Horn Sheep Foundation Newsletter

From Jeff Ostergard <[redacted]>
Date Fri 02/28/2025 02:23 PM
To FGC <FGC@fgc.ca.gov>
Cc [redacted] <[redacted]>

Dear editor,

I recently read your Sierra Nevada Big Horn Sheep newsletter from December 2024.

I have some disagreements with some of the "facts" stated in your letter.

On page 7 you say the female lion population in Round Valley was one. I was the first hunter to collar lions in Round Valley Deer study and the Bighorn Sheep project for CDFW and to say there was only a single female in the Round Valley area is simply untrue. I collared the first female lion in the area and then I collared many more females after that. Between 1993 and 2007 there were 16 females collared in Round Valley (Pierce and Bleich, 2014, California Fish and Game 100(3):527-537). I hunted lions in Round Valley with a pursuit permit prior to prop 117 and encountered females during that period as well.

The article alluded that Jeff Davis and John Wehausen are the only ones with years of experience. Charlie Tant, George Orisio, Leonard Stevens and myself are all accomplished lion hunters that have hunted Inyo / Mono Co. for many years. Because the area drew lion hunters who were successful one can assume there has always been a high lion population in the area, regardless of what John Wehausen and Jeff Davis say. Because lions have always inhabited the area, I believe lions are not the main reason behind the big horn sheep loss, as they have been part of this habitat far longer than your study.

You mentioned Charlie Tant on page six as a main contributor to the decline of the lion population in the area. To assume Charlie Tant who had no telemetry, tracking collars, trail cameras, radios or vehicles for the most part could have had an impact that great is asinine. A single lion hunter could not have played that significant of a role in the lion population. This also ignores the fact that there was a time before Charlie Tant and in that time there presumably were Mountain Lions.

CDFW and associated studies have produced numerous explanations over the years as to why the big horn sheep are in decline. First, we were told it was domestic sheep that were killing the bighorn through disease. Then, we were told it was the expansion of pinion trees and a disrupted fire cycle, then climate change resulting in above average snowfall events, and now the population decline is a result of lions

causing sheep to abandon their winter range (commit suicide). I can confirm the winter range theory is far-fetched. I filmed (while working for the big horn sheep project) a lion laid up next to a sheep it had killed in the winter range. There were lots of sheep happily feeding on green grass nearby, showing no abandonment.

I think the project needs to reevaluate what they are trying to achieve, who or what is to blame, and how you're going to move forward. Because the lion population is not what needs to be discussed here.

Thanks for taking the time to read this,

Jeff Ostergard

Outlook

Fw: Letter to Mr. Crowfoot

From Steve Rebuck <[redacted]>
Date Wed 03/05/2025 01:46 PM
To Ashcraft, Susan [redacted] <[redacted]>; FGC <FGC@fgc.ca.gov>

----- Forwarded Message -----
From: Steve Rebuck <[redacted]>
To: Tony.Anderson@resources.ca.gov <tony.anderson@resources.ca.gov>
Cc: Kirsten.macinty@resources.ca.gov <kirsten.macinty@resources.ca.gov>
Sent: Wednesday, March 5, 2025 at 07:59:46 AM PST
Subject: Letter to Mr. Crowfoot

Please find attached a letter for Mr. Crowfoot. Signed copy in the mail.

Thank you,

Steven L. Rebuck
PO Box [redacted]
San Luis Obispo, Ca [redacted]
[redacted]

Steven L. Rebuck
PO Box [redacted]
San Luis Obispo, Ca [redacted]

Mr. Wade Crowfoot
Secretary
California Natural Resources Agency
715 P St, 20th Floor
Sacramento, Ca 95814

March 4, 2025

Re: Urgent need for improved marine resources management in California

Dear Mr. Crowfoot:

I recently read a letter sent to you by Mr. Jack Likins. I am in agreement with Mr. Likins and offer my own opinions, based on his suggestions. I will model this letter after that of Mr. Likins. However, these are my words, opinions, finding and I do not speak for Mr. Likins.

Firstly, like Mr. Likins, I too have decades of experience with living marine resources. My father was a commercial abalone fisherman. He fished commercial abalone out of Santa Catalina Island the day I was born. I grew up in the abalone diving business and began diving myself in 1956 at age 9. I learned the fundamentals of heavy gear diving as a teenager. I started diving abalone in 1960 and continued south of San Francisco until the "moratorium" of 1997. I also took my two sons abalone diving on the north coast for many years, even though we live 10 miles from the ocean.

My interest is the abalone resource and human use. I recently coauthored a history book, "Abalone Fishing on the California Coast", Arcadia Publishing.

I recently advised the California Fish and Game Commission (Commission) that the abalone resource issues, including

decline in stock, are well known through published research literature over the past 100 plus years. This continually falls on deaf ears for those technocrats desiring to revise our history. After decades of study, I continually observe the ignoring of these scientific finding, in favor of political opinions, deception and political pressure.

The commercial abalone divers of the California Abalone Association (CAA) in Santa Barbara hired me in 1980. The issue then was the proposed translocation of sea otters to San Nicolas Island, Ventura County. This lead to 4 appearances before the US Congress, 1984, 2001, 2003 on the Marine Mammal Protection Act (MMPA) and 1985 on the Endangered Species Act (ESA). I also served the Southern Sea Otter Recovery Team (SSORT) for 11 years, from 1993-2004, as Abalone Technical Consultant (TC). I was appointed by US Fish and Wildlife Service (FWS) Director, John Turner.

I have also appeared before the California Department of Fish and Game/Wildlife (Department) , the California Fish and Game Commission (Commission) and California Coastal Commission (CCC) many times over the past 45 years. I have experienced many changes in how these California agencies operate.

In the beginning, I studied the published literature concerning abalone. I later invested the time getting to know many of the authors: Keith Cox, Earl Ebert, Dan Miller, Paul Wild, Jack Ames, Dan Gotshall, Fred Wendell, Robert Hardy, Laurence Laurent, and many others. I also spent many years working with the US Marine Mammal Commission (MMC) and National Marine Fisheries Service (NMFS) in Washington DC, plus projects with Sea Grant.

1) Key Concerns.

Ignoring the obvious problem of marine mammal affects on fisheries and lack of a State of California, "Marine Mammal

Policy" is a huge problem. I find it reckless that the State of California has no Marine Mammal Policy when the greatest known source of fish and shellfish mortality is clearly caused by marine mammal trophic needs. This makes no sense. We manage land animals: Range, population size, densities. Why are marine mammals treated so differently?

For example, I watched the most recent meeting of the Commission on our local Government Channel concerning salmon and halibut fishing. I heard no mention of seals or sea lions. Generally, these discussions center on human use fisheries, ie "overfishing by humans." Why are your state agencies so afraid of telling the truth to the public? This is clear manipulation of the public to shape opinion.

Seal and sea lion predation can be calculated. They consume many billions of pounds of fish annually, far more than humans take. but these trophic needs are never acknowledged. Instead, we are told the declines of various fish stocks are caused by overfishing by humans, generally, commercial fishermen and/or Climate Change.

Of greatest concern is the well-documented mismanagement of most of our living marine resources over the past 85 years, by the Department, recognizing establishment of the Division of Fish and Game, 1927, and the Department of Fish and Game, 1951.

In 1939, Edna Fisher, "Habits of the Southern Sea Otter", first identified the coming conflict between sea otters and commercial abalone divers at Monterey. I saw my first sea otter in 1957. Divers in northern San Luis Obispo County were finding eviscerated abalone, internal organs removed with the foot dying. This is common sea otter behavior in food rich areas. By the early 1970s, sea otters arrived at Morro Bay and soon eliminated the remainder of the south-central coast commercial abalone fishery. Most of our local abalone fishing families had to quit or move south. I was a

teenager watching my father, and many other dad's lose their jobs.

Although this history is well documented, in my many years appearing before multiple California agencies, my experience has been the various agencies seem to resent this well documented history. They typically cringe and say nothing when I citer these scientific, peer reviewed studies.

Current Department marine biologists report that the State of California has no Sea Otter and/or Marine Mammal Policy. So the greatest impact on marine life in California goes under-recognized and unanswered. This "It's a Federal Issue" response is a copout. Multiple commercial and recreational fisheries in California have been destroyed though this ignorant behavior by State agencies. What has occurred between Monterey and now Gaviota concerning abalone and more recently at San Nicolas Island (SNI) where fishermen do not bother fishing any longer goes unreported. In biology we are taught, we cannot stockpile wildlife. Yet, this is what is constantly being attempted.

SNI has been destroyed by sea otters since the translocation began in 1987. The Department, Commission and CCC all supported the translocation with the provision that the FWS would "contain" sea otter to SNI. FWS abandon containment in the early 1990s, yet the State of California, ie. Department, Commission, CCC has said nothing.

In 1991, the Department published data identifying 41% of red abalone landings originated from SNI in 1987. Three years later, 1990, it was 3%. This caused addition fisheries compaction, ie. forcing all fishermen into smaller areas. Then the fishermen were blamed for overfishing.
(Source: Supplemental Environmental Document Abalone Ocean Sport Fishing, DFG, August , 1991, Page 3-70).

This lack of control of marine mammals has driven up seafood prices where many of us can no longer afford it. Plus, the damage done to coastal economies. Harbors like Santa Barbara and Morro Bay rely on harbor commerce to justify dredging and other harbor maintenance paid for by Congress. Without this commerce and federal funding, our harbors will ultimately fail. Besides destroying our California fishing industry, this lack of a Marine Mammal Policy is causing significant damage to our port infrastructure.

Congress reauthorizes the MMPA every 5 years yet the Resources Agency historically says nothing. This is the opportunity we have to speak up and solve problems. Why is your agency so unwilling to speak up? Instead of addressing the real known problems/solutions, all we hear is the mantra: "These problems are caused by Climate Change."

2) Marine Protected Areas (MPAs).

Department biologist, Dan Miller reported many decades ago that to have successful MPAs, three components were necessary:

1) Good water quality.
2) Control of human use.
3) Control marine mammals.

Any of these components missing would cause MPA failure. I cited Miller (Fish Bulletin 158, "Summary of Blue Rockfish and Lingcod Life Histories; A Reef Ecology Study; and Giant Kelp, Macrocystis pyrifera, Experiments in Monterey Bay, California" in my own testimony when the Marine Life Protection Act (MLPA) was being debated. But, as usual, my testimony and the citations of Dan Miller fell on deaf ears. Now, although many of the MPAs have failed, the answer back seems to be--they just were not big enough—make them bigger, spend more money, destroy more resources and eliminate additional human access. This has not worked.

3) Complicated Bureaucratic Processes and Regulatory Restrictions

Since 2020, I have represented 25 former commercial abalone divers seeking to return to fishing abalone through Commission Policy: Petition for Regulatory Change. So far, two Petitions have been denied. This has been an overly difficult and frustrating process. Plus, we get the impression the FGC Commissioners were not listening to testimony and had previously made up their minds. Testifying before these people is like talking to rocks.

While the Commission staff has been accommodating, I cannot say the same for the Commissioners. Former FGC President Samantha Murray has been very difficult. For example, for a hearing we had at San Jose, April 2024 on Petition 2024-002, we had negotiated an minimum 2 minutes per speaker with FGC Executive Director, Melissa Miller-Henson. At the hearing, Ms. Murray cut our speaker time to 1 minute. Approximately 7 of us had traveled hundreds of miles and stayed in hotels at great expense, all for 1 minute of testimony. On top of this, one of our speakers, Ed Pierce, a Salinan Tribal Elder, was not called to speak and was later told his "speaker card got lost." While he was given another opportunity to speak, it came an hour later and was delivered out of context. This is cruel.

Later, I wrote the Commission and suggested the Staff and Commissioners review 2005 videos on their website which demonstrating a prior FGC allowing our speakers up to 10 minutes to testify. This previous Commission responded to testimony and asked good questions, something the Murray Commission rarely does. I recently watched the San Diego FGC meeting where President Murray asked staff, "How many speakers do we have on the next item?" Staff: "None." Murray's response, "Perfect!" We citizens seem to be just another annoyance to Commissioner Murray.

4) Red abalone Management Omissions and Delays.

As mentioned above, I began working for the California Abalone Association (CAA) in 1980. I continued efforts with the first attempt to close only the commercial abalone fishery in 1995.

The first effort failed when the sport divers leading the closure effort learned that California Law required both sport and commercial be closed. Their target was only commercials. At a dramatic legislative hearing in 1995, Assemblyman John Burton pulled his legislation: "I don't know how the G..D… legislation got on my desk!". However, in 1997, they were back, this time with 3 rouge Department biologists. These Department biologist had no respect for honesty. They made up false information, and leaked draft data to make the commercial fishermen look bad and falsely disparaged these working men.

Another example, in 1997, the 1991 reported data on SNI landings of 41% of red abalone, declining to 3% was not cited by the Department. Instead, these same rouge biologists stayed silent on this published data, while making claims all abalone resource problems were caused by the commercial divers. One of the biologist, Kon Karpov, made outlandish claims that there were no abalone left in southern California and all landings in So. Cal. were from abalone poached on the north coast and transferred to southern California by boat (SF Chronicle, 1991). This makes no sense since the distance, fuel cost and time these abalone were out of the water would make this impossible. These abalone would have died and been worthless as a food item.

To defend the fishery, CAA produced a video showing healthy abalone on the Santa Barbara mainland coast and

San Miguel Island. This video is currently available on YouTube titled "Super Real." Annual abalone landings were relatively consistent, while the "crisis" was made up.

Another of these biologists, Peter Haaker made statements before the Commission that "red abalone sex ratios were skewed", base on suggested draft data, A couple months later Haaker had to retract his lie, but, the damage was done.

The "moratorium" closing the red abalone fishery is now in it's 28th year, with no end in site, even though evidence of very healthy populations of abalone were shown to the Department and Commission in San Jose, April 2024.

The Department has muddied the debate by omitting important data. For example, in the mid-1970s, Department biologist Richard Burge assembled a team to research both sport and commercial abalone fishing. The Burge team identified sport bar cut mortality of abalone at over 90%. Abalone are hemophiliacs. If injured, they will bleed-out and die or predators will find them. Sport landing data is not easy to find, but I did find estimated landing data in a 1971 Department report: "California's Living Marine Resources." This report identifies sport landings of 3-4 million pounds per year in So. Cal. With bar cuts, this take jumps to 6-8 million pounds. Commercial landing from this era were in the range of 2.5 million pounds per year and were cut in half by 1975. This decline was later used against the commercial divers, laying the blame on them. The 2 Burge reports, and 1 by Steven Schultz were never published by the Department.

5) Sea urchin policies.

It is curious to me why the Department relies on Grad Students and Academics to conduct field work when the discussion centers on purple urchins and kelp, while

generally ignoring the commercial sea urchin divers. These professional divers have many thousands of hours of diving and observation. Yet, as with the abalone divers, they are left out of many of the discussions and have been in most cases, replaced by ammeters. It's like hiring bus drivers to fly airplanes.

"Zombie" urchins at Monterey? Ditto. At times, human intervention is required to solve ecological issues. Yet, in the case of MPAs, it's hands off. This is another reason MPAs in California general are not working.

It is also curious why in California, sea urchins are currently considered pests and a threat to reef structure. I grew up observing kelp, abalone and sea urchins in abundance. Things have changed, but in over a decade of what is now considered "purple urchin barrens" and depletion of kelp, why is it there has not been any published research on why this has occurred? This appears "politically" motivated.

In other parts of the world, sea urchin removal of algae is considered good. It is recognized, this activity helps protect reefs from damage by algae and protects corals. It may be critical to reexamine sea urchin ecology in California, rather than just demanding destructive and wasteful removal.

6) Enhance Collaboration.

I had the great good fortune to know so many of the Department marine biologists over the years, prior to what has been taking place since the mid-1990s. We used to have long conversations, lasting for hours, sharing detailed information and observations. This ended after 1995/97.

Kon Karpov came up with a line, "You guys make too much money." I once explained to him that how much money other people earn is none of his business. His job was to collect data, replicate experiments, and publish his finding.

But instead, it was clear that he, and many others, were jealous of the divers earnings. He could have gone out and dove with Mr. White (Great White Sharks) but he chose the safety of a cubical instead. No problem. Plenty of room for everyone, but I still hear this obnoxious term used, as recent as 2 years ago, by new FGC Commission President, Erika Zavaleta. At a Commission meeting she told commercial sea urchin diver, Jeff Maassen. "We just don't want you to make too much money!" Department and Commissioners often use their Masters Degrees and Ph.D.s to crush out collaboration.

While at the Commission hearing in San Jose, April 2024, I took the time during a break to say hello to Dr. Craig Shuman. Mr. Shuman surprised me with, "What are you doing here? We told you two years ago you could not do this" (fish abalone again). I explained to him it is our US Constitution, First Amendment Right to, "Petition our Government over grievance." Why was it necessary for me to explain my Constitution Rights to this hostile Department Ph.D., obnoxiously disrespecting a citizen?

7) Non-Environmental Expenditures.

I find the focus on JEDI (Justice, Equity, Diversity and Inclusion) by the current FGC Commissioners a waste of time, money and attention. This current Commission makes a big deal out of any Native American who come before them, except for those who are not repeating their preferred mantra. At this point, as was cited above with Ed Pierce, some citizens are not "included" but ignored and treated shabby. The current Commission does not honor their own rhetoric when one does not support their personal opinions and/or agenda. This a mockery of the FGC Code of Conduct. Personally I subscribe to the notion, "Go Woke, Go Broke." This is what is happening.

8) Sustainable Fisheries versus Closures.

Closing of fisheries, as in the case of abalone, is not management. It becomes a cynical response to problem solving. I have been around long enough to remember when the Department and Commission had open minds and treated citizens with respect, not the current egotistical people we endure now. It is sad to witness the continual disrespect of citizens who's taxes pay for this madness.

Conclusion

California has a rich history of fishing and marine ecology. Commercial fishermen, like farmers, produce food for persons who do not farm or fish. I have witnessed the historic abundance and the current collapse. I have to conclude most the existing policies have failed. The major ones: MMPA, ESA, Marine Sanctuaries, MPAs. These policies fail because they are not honest. They too often are overly political: Opposing known and published scientific literature. Why was the past 100 years of study, beginning with Dr. Charles Lincoln Edwards, 1913, California Fish and Game Commission Fish Bulletin No. 1. "The Abalone Industry in California" produced when it most often these days is ignored and discarded?

Respectfully Submitted,

Cc: California Fish and Game Commission
California Department of Fish and Game
California Coastal Commission
California Ocean Protection Council
Joint Committee on Fisheries and Aquaculture
Santa Barbara County Fish and Game Commission
House of Representatives, Resources Committee

Outlook

Location for Offshore Wind HVDC cable shore-landing protected by SLO Land Conservancy

From mbcfo member <mbcfo1972@gmail.com>

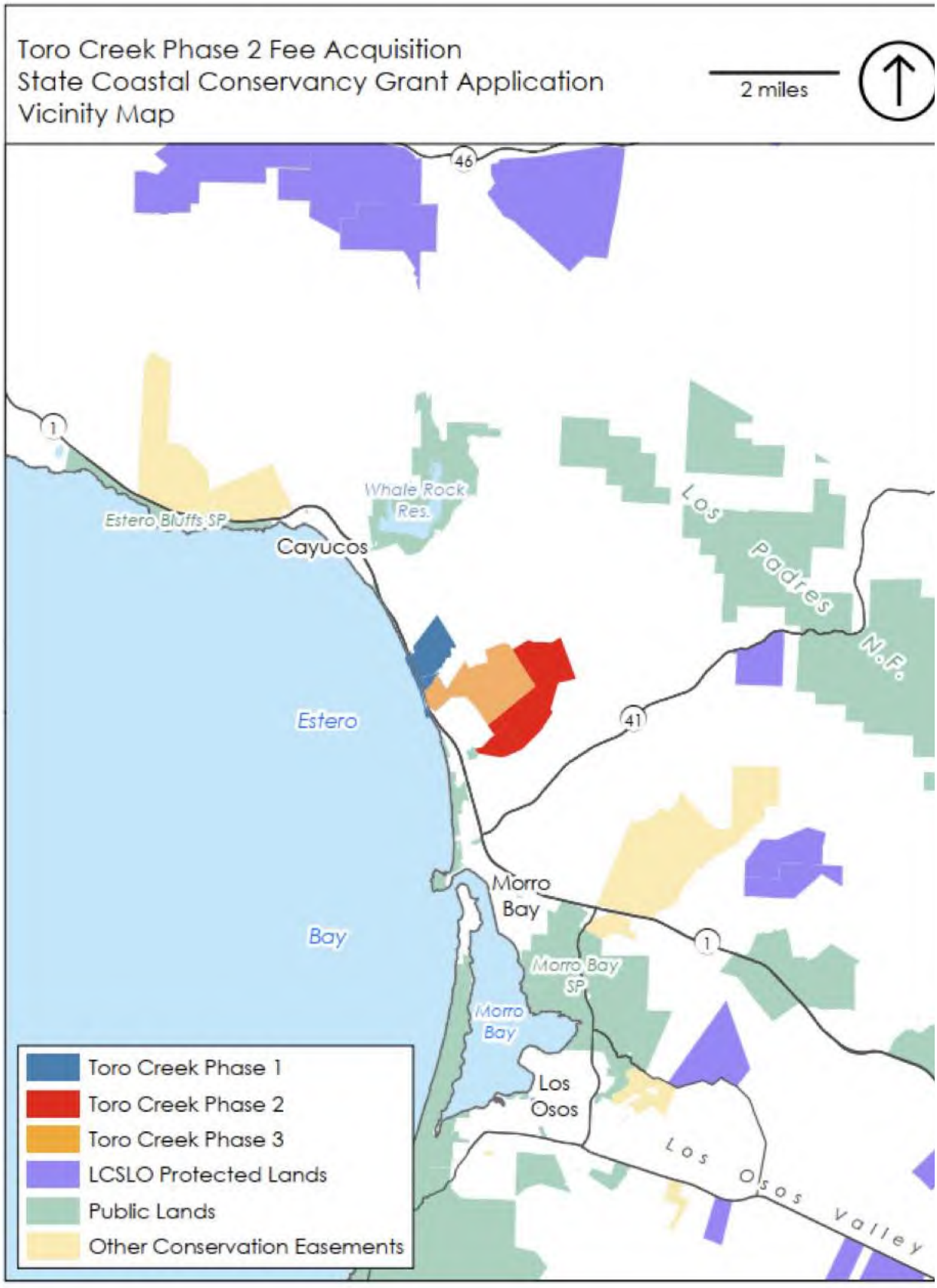
Date Fri 03/07/2025 07:54 AM

To Doug Boren <douglas.boren@boem.gov>; Andrea Chmelik <Andrea.Chmelik@asm.ca.gov>; Dobroski, Nicole@SLC <Nicole.Dobroski@slc.ca.gov>; Eckerle, Jenn@CNRA <Jenn.Eckerle@resources.ca.gov>; FGC <FGC@fgc.ca.gov>; Flint, Scott@Energy <Scott.Flint@energy.ca.gov>; bgibson@co.slo.ca.us <bgibson@co.slo.ca.us>; Greg Haas <greg.haas@mail.house.gov>; Harland, Eli@Energy <Eli.Harland@energy.ca.gov>; Kalua, Kaitlyn@CNRA <Kaitlyn.Kalua@resources.ca.gov>; Kato, Grace@SLC <Grace.Kato@slc.ca.gov>; Zara Landrum <zlandrum@morrobayca.gov>; Lucchesi, Jennifer@DOC <Jennifer.Lucchesi@conservation.ca.gov>; robert@californiamsf.org <robert@californiamsf.org>; McNair, Heather@Coastal <Heather.McNair@coastal.ca.gov>; Deanna Meier <Deanna.Meier@boem.gov>; Jennifer Miller <jennifer.miller@boem.gov>; Miller-Henson, Melissa [redacted]; Michael Milstein <michael.milstein@noaa.gov>; Payne, Elizabeth@Waterboards <Elizabeth.Payne@waterboards.ca.gov>

Dear California Coastal Commission (CCC),

We just found out this last week in a Newspaper article that the San Luis Obispo Land Conservancy is purchasing the "Chevron property" which is located between Cayucos and Morro Bay. The area is called Toro Creek County Park. It is being purchased in phases. The first phase (in Blue) was purchased in 2020. The second phase (in Red) was just purchase in February 2025. Here is a picture of the project from the State Coastal Conservancy Grant Application in 2023:

Exhibit 1: Project Maps



Map of project location north of Morro Bay showing surrounding protected lands

Note page 3 the second paragraph states: "**The proposed acquisition will permanently prohibit all future** residential and **commercial development** and **protect water resources and habitats within the Toro Creek and Alva Paul watersheds**"

The CCC staff report regarding Atlas Wind's CDP July 12, 2024 approval for site surveys did not acknowledge the existence of these land conservancy protections located inside the area planned for installing multiple high voltage DC cables.

Note the map on page 12 of the CCC staff report showing the permitted area for Atlas Wind to do site survey work. The mapping is all being done with the intention of installing cables between Cayucos and Morro Bay - inside the protected coastal area owned by a Land Conservancy.

9-24-0411 (Atlas Wind US LLC)

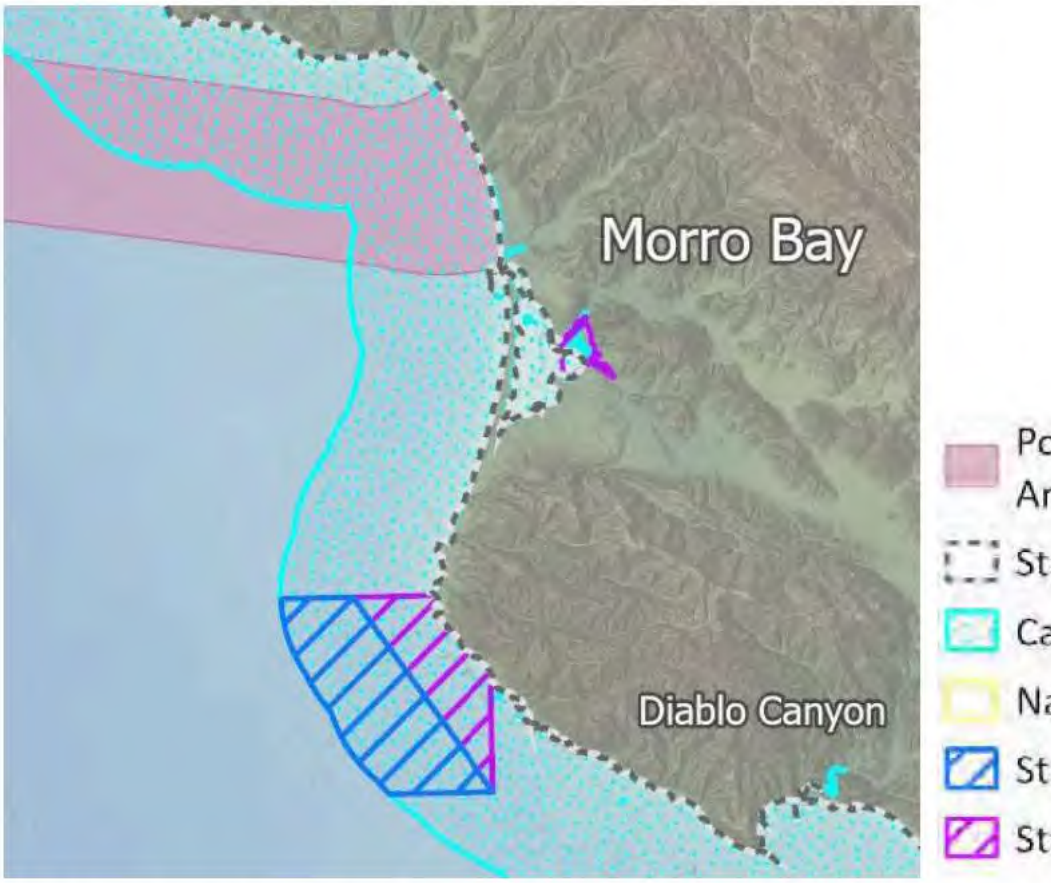


Figure 1 Map of Morro Bay showing Atlas Wind's proposed survey a
layers overlap, area in California State waters

This is from the Atlas Wind CDP application:

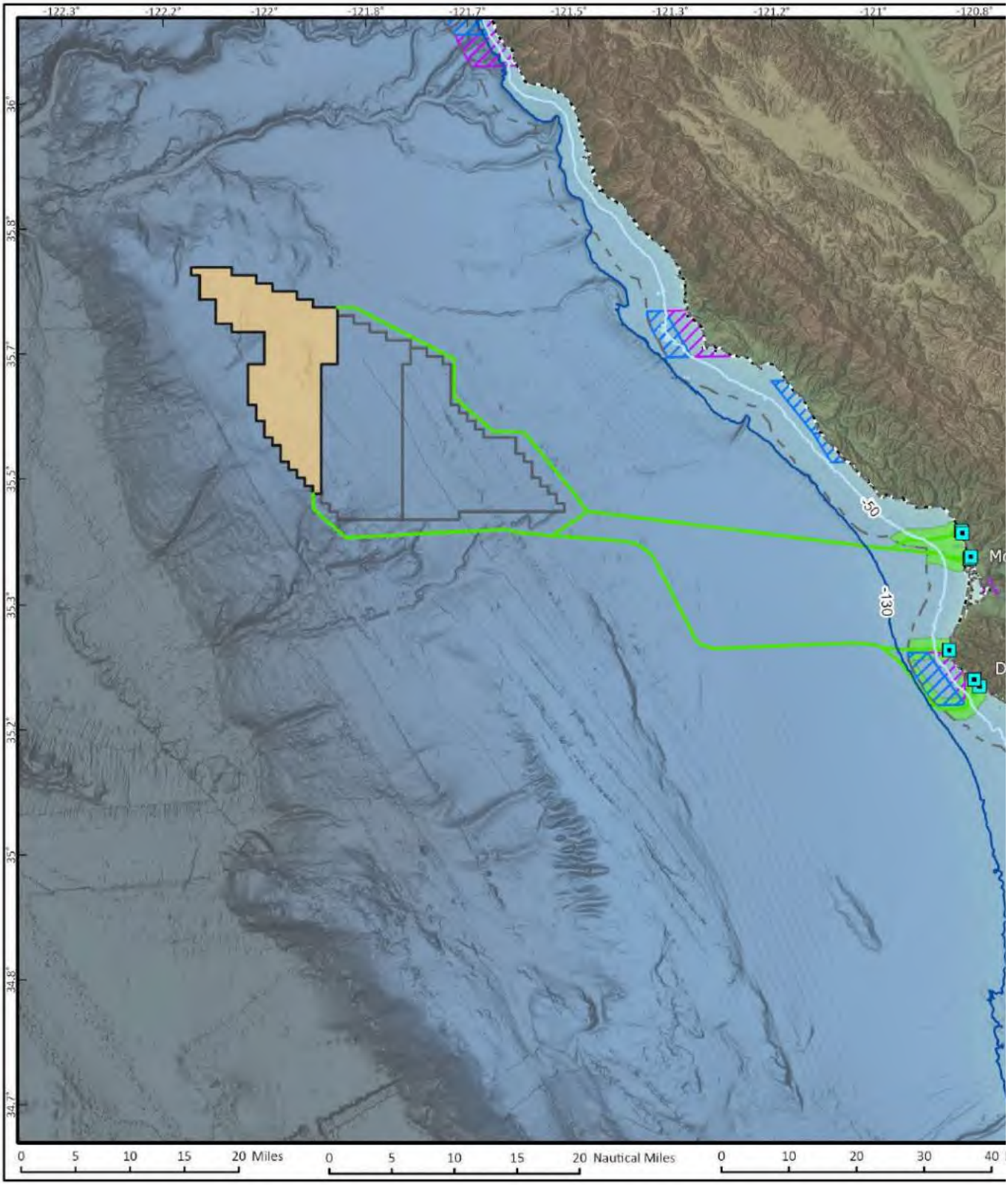


Figure 1. Potential Offshore Routes and Offshore Export Cable Siting Corridors With

This seems to be an issue that needs to be resolved before site surveys in State Waters should commence. There are problems going directly into Diablo Power Plant as well. As you know, high resolution mapping and high voltage cable installation near Point Buchon State Marine Protected Area is not permitted.

A response would be appreciated.

Tom Hafer
President MBCFO
(805) 610-2072
mbcfo1972@gmail.com

COASTAL CONSERVANCY

Staff Recommendation
November 30, 2023

TORO CREEK COUNTY PARK ACQUISITION- PHASE II

Project No. 18-031-02
Project Manager: Timothy Duff

RECOMMENDED ACTION: Authorization to disburse up to $1,500,000 to the Cayucos Land Conservancy to acquire and transfer to San Luis Obispo County 748 acres of land for addition to Toro Creek County Park located between Morro Bay and Cayucos in San Luis Obispo County.

LOCATION: Chevron Estero Marine Terminal, between Morro Bay and Cayucos in unincorporated San Luis Obispo County.

EXHIBITS

Exhibit 1: Project Maps

Exhibit 2: Project Photos

Exhibit 3: Project Letters

RESOLUTION AND FINDINGS

Staff recommends that the State Coastal Conservancy adopt the following resolution and findings.

Resolution:

The State Coastal Conservancy hereby authorizes a grant of an amount not to exceed one million five hundred thousand dollars ($1,500,000) to Cayucos Land Conservancy ("the grantee") to acquire and transfer to San Luis Obispo County 748 acres of land for addition to Toro Creek County Park located between Morro Bay and Cayucos in San Luis Obispo County, subject to the following conditions:

1. Prior to the disbursement of funds for the acquisition, the grantee shall submit for the review and approval of the Executive Officer of the Conservancy (Executive Officer):
    a. All relevant acquisition documents for the acquisition including, without limitation, the appraisal, purchase and sale agreement, deed, escrow instructions, environmental or hazardous materials assessment, and title report;
    b. A baseline conditions report; and

c. Evidence that sufficient funds are available to complete the acquisition.

2. The grantee shall pay no more than fair market value for the property, as established in an appraisal approved by the Executive Officer.
3. The property acquired under this authorization shall be managed and operated to protect open space and wildlife habitat and to provide public access consistent with these purposes. The property shall be permanently dedicated to those purposes by an appropriate instrument approved by the Executive Officer.
4. Conservancy funding shall be acknowledged by erecting and maintaining a sign on the property or in a nearby publicly-viewable area, the design and location of which are to be approved by the Executive Officer.

Findings:

Based on the accompanying staff recommendation and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed authorization is consistent with Chapter 5.5 of Division 21 of the Public Resources Code, regarding integrated coastal and marine resource protection.
1. The proposed project is consistent with the current Conservancy Project Selection Criteria.
2. The Cayucos Land Conservancy is a nonprofit organization organized under section 501(c)(3) of the U.S. Internal Revenue Code.

STAFF RECOMMENDATION

PROJECT SUMMARY:

Staff recommends granting up to $1,500,000 to the Cayucos Land Conservancy to acquire and transfer to San Luis Obispo County 748 acres of land (the property) located between Morro Bay and Cayucos in San Luis Obispo County (Exhibit 1) for addition to Toro Creek County Park for purposes of protecting open space and wildlife habitat and to provide public access. Conservancy funding for the acquisition is a General Fund appropriation specifically identified for the Cayucos Land Conservancy for this acquisition. The property will be transferred immediately to the County in a “back-to-back” transaction prior to the close of escrow.

The property and surrounding 3,000 acres of Chevron Estero Marine Terminal lands have been owned and managed by Chevron since 1929 for the purposes of conveying and storing petroleum products. The terminal stored and loaded crude oil from the Central Valley to large ocean tankers that anchored offshore between Cayucos and the City of Morro Bay. When the terminal ceased operations in 1999, Chevron began the process of retiring the facilities. Over the past decade they have subdivided portions of their land holdings and sold off several parcels for estate home development. The property comprises four legal parcels. The proposed acquisition will eliminate the potential for development of at least four residential homesites plus secondary homes for agricultural housing and associated support infrastructure.

The proposed acquisition is the second phase of a three-phase project envisioned by the local community to preserve approximately 1,400 acres of the Chevron Estero Marine Terminal lands as a county park. Once complete, Toro Creek County Park is expected to include opportunities for hiking, beach access, and low-cost camping. The first phase of this vision was completed in 2020 with Conservancy funding and provides public bluff and beach access. The phase two property is located south of phase 1, separated by the property that will eventually by part of the phase 3 acquisition (Exhibit 1, page 2). The phase two property is expected to provide opportunities for hiking. The third phase is expected to be completed within the next several years. It will connect phases 1 and 2 and create opportunities to provide low-cost camping.

The proposed acquisition will permanently prohibit all future residential and commercial development and protect water resources and habitats within the Toro Creek and Alva Paul watersheds, two creeks that drain to the coast (Exhibit 1, page 4). The project will provide public access to the property's outstanding coastal views (Exhibit 2). The property borders a city park in Morro Bay developed with accessible parking, restroom, and trail facilities that will serve as the entry point to the new park (Exhibit 2, pages 3-4). An existing network of ranch roads and maintenance trails will further facilitate the county's goal to manage the property as a public park that will enable public access while also protecting open space and natural resources. The County intends this addition to their park to be opened to the public once they have completed the necessary planning, permitting, and compliance with the California Environmental Quality Act, and once they have secured the funds to construct and operate the trail improvements.

The acquisition will also serve to expand the network of protected lands in the region known as the La Panza Range – San Geronimo Corridor, an important wildlife corridor that traverses a significant portion of coastal San Luis Obispo County (Exhibit 1, page 5). This corridor connects thousands of acres of public and private protected lands between San Luis Obispo and the Monterey County line, including several large private ranch properties protected by conservation easements funded by the Conservancy and other state agencies.

The County of San Luis Obispo, City of Morro Bay, and a coalition of nonprofit partners including the grantee, Land Conservancy of San Luis Obispo County, Trust for Public Land, and Morro Open Space Alliance, came together in 2018 with a vision for the Chevron lands that sought to protect open space and wildlife habitats, preserve the area's scenic viewshed, and provide public access where appropriate. This vision was presented to and embraced by Chevron, and the coalition began working toward these goals. Tribal consultation letters were sent on May 16, 2023. Conservancy staff provided additional information on the project in response to the one request that was received.

Site Description: The property is zoned Agriculture and lies mostly within unincorporated San Luis Obispo County along the north coastal region of San Luis Obispo County, on the east side of Highway One between Morro Bay and Cayucos in unincorporated San Luis Obispo County (Exhibit 1). Located to the northwest of the property is the County's existing Toro Creek County Park property acquired with Conservancy funds in 2019. Today the property is solely used for grazing. The majority of the property is comprised of grassland intermixed with coastal scrub with pockets of oak woodland. Areas of riparian habitat featuring coast live oak, western

sycamore, and black cottonwood are located along the upper reaches of Alva Paul Creek, a seasonal creek that bisects the property. Habitat for the California red-legged frog and southwestern pond turtle is also found along the creek's upper reaches. Dominant native plant species mixed in the coastal scrub habitat include coyote brush, sticky monkey flower, and California sagebrush. The property's large open grassland and coast live woodland areas support a large population of deer, mountain lion, and bobcat. Due to historic and ongoing grazing activities the property's grasslands are dominated by non-native grasses and weedy annual forbs. Native species are mixed in with the nonnative annual grassland habitat, including purple needlegrass California brome, blue-eyed grass, rare club-haired Mariposa lily, and California poppy. Other than fencing and gates for past cattle grazing activities there are no structures or infrastructure on the property.

Grant Applicant Qualifications: Established in 1999, the Cayucos Land Conservancy is accredited by the Land Trust Accreditation Commission and has completed a variety of conservation easement and fee title acquisitions along the north coast of San Luis Obispo County. They raised nearly $1 million in private local money for the first phase of the Toro Creek County Park acquisition in 2019. The Land Conservancy of San Luis Obispo County will be assisting the Cayucos Land Conservancy and has an outstanding record working with the Coastal Conservancy over the past three decades on numerous acquisition projects.

CONSISTENCY WITH CONSERVANCY'S PROJECT SELECTION CRITERIA:

The proposed project is consistent with the Conservancy's Project Selection Criteria, last updated on September 23, 2021, in the following respects:

Selection Criteria

1. **Extent to which the project helps the Conservancy accomplish the objectives in the Strategic Plan.**

See the "Consistency with Conservancy's Strategic Plan" section below.

2. **Project is a good investment of state resources.**

The proposed project to acquire the 748-acre property is a good investment of state resources because it will contribute to meeting the state's biodiversity goals as outlined in the Strategic Land Acquisition section of the Governor's 30 x 30 Executive Order. The project will also enable future public access to an expanded Toro Creek County Park, which serves the low-income community of Morro Bay. Conservation of these lands will also protect California red-legged frog, a federally threatened species. The project has the support of local and state agencies and legislators (Exhibit 3).

3. **Project benefits will be sustainable or resilient over the project lifespan.**

The proposed project will permanently protect the property from development, provide public access, and enhance regional climate resilience and adaptation by permanently protecting habitat in wildlife corridors extending from northern San Luis Obispo to southern Big Sur.

4. **Project delivers multiple benefits and significant positive impact.**

The proposed project will deliver multiple benefits including permanently protecting the property from development, providing public access, and protecting wildlife corridors extending from northern San Luis Obispo to southern Big Sur (Exhibit 1, page 5).

5. Project planned with meaningful community engagement and broad community support.

The project was planned with substantial community participation and is supported by the County of San Luis Obispo, City of Morro Bay, and a broad coalition of nonprofit partners including the grantee, Land Conservancy of San Luis Obispo County, and Morro Open Space Alliance. See letters of support in Exhibit 3.

PROJECT FINANCING

Coastal Conservancy	**$1,500,000**
Wildlife Conservation Board	$3,500,000
Cayucos Land Conservancy	$300,000
Land Conservancy of San Luis Obispo County	$200,000
Project Total	**$5,500,000**

The anticipated source of Conservancy funding is a fiscal year 2022-2023 appropriation from the General Fund specifically for the proposed acquisition. (Budget Act of 2022, Section 19.56(e), SB 154, Chapter 43, Statutes of 2022, as amended by AB 179, Chapter 249, Statutes of 2022.)

In addition to a grant from the Wildlife Conservancy Board, the Cayucos Land Conservancy and Land Conservancy of San Luis Obispo County have secured approximately $500,000 in private donations.

Unless specifically identified as “Required Match,” the other sources of funding and in-kind contributions described above are estimates. The Conservancy does not typically require matching funds or in-kind services, nor does it require documentation of expenditures from other funders or of in-kind services. Typical grant conditions require grantees to provide any funds needed to complete a project.

CONSISTENCY WITH CONSERVANCY’S ENABLING LEGISLATION:

Conservancy participation in the proposed project is consistent with Chapter 5.5, Integrated Coastal and Marine Resources Protection (Section 31220) of the Conservancy's enabling legislation, Division 21 of the Public Resources Code. Section 31220(a) authorizes the Conservancy to undertake a project or award grants for coastal watershed projects that meet one or more criteria of Section 31220(b). Consistent with Section 31120(b), the proposed project will (1) protect fish and wildlife habitat within coastal watersheds and coastal waters (Section 31120(b)(2)), including endangered species habitat in the Toro and Paul Alva Creek

watersheds; (2) acquire coastal riparian areas, floodplains, and other sensitive watershed lands, including watershed lands draining to sensitive coastal or marine areas (Section 31120(b)(6)); and (3) provide public access compatible with resource protection objectives (Section 31220(b)(8)).

Consistent with Section 31220(a), staff has consulted with the State Water Resources Control Board in the development of the project to ensure consistency with Chapter 3 (commencing with Section 30915) of Division 20.4 of the Public Resources Code, regarding the clean beaches grant program.

Consistent with Section 31220(c), the project is consistent with local watershed management plans and water quality control plans adopted by the State Water Resources Control Board and Regional Water Quality Control Boards (see the "Consistency with Local Watershed Management Plan/State Water Quality Control Plan" section below), and there is a monitoring and evaluation component included in the project.

CONSISTENCY WITH CONSERVANCY'S 2023-2027 STRATEGIC PLAN GOAL(S) & OBJECTIVE(S):

Consistent with **Goal 3.1 Conserve Land**, the proposed project will acquire 748 acres of land to preserve it and provide compatible public access.

CONSISTENCY WITH LOCAL WATERSHED MANAGEMENT PLAN/STATE WATER QUALITY CONTROL PLAN:

Projects undertaken pursuant to Chapter 5.5 of Public Resources Code Division 21 (Section 31220) must be consistent with local watershed management plans, if available, and with water quality control plans, adopted by the state and regional water boards. Acquisition of the property furthers the San Luis Obispo County Integrated Regional Water Management Plan, Ecosystem and Watershed Goal, Objective 2, to preserve, enhance, restore, and conserve riparian corridors and natural creek and river systems through wetland restoration, natural floodplains, riparian buffers, conservation easements, and other mechanisms. Acquiring the proposed property located in the Toro and Paul Alva Creek watersheds is consistent with this objective. The project is consistent with the Water Quality Control Plan for the Central Coast Basin (2019), and specifically addresses the following beneficial use objectives: wildlife habitat, freshwater replenishment, ground water recharge, and rare, threatened, or endangered species. Acquiring property located in the Toro and Paul Alva Creek watersheds is consistent with the objectives in these plans.

CEQA COMPLIANCE:

The proposed acquisition is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Title 14 of the California Code of Regulations Section 15325 because it is a transfer of ownership of interests in land in order to preserve open space and existing natural conditions, and to preserve land for park purposes. The proposed acquisition is also exempt

pursuant to Section 15316, which exempts a transfer of land to establish a park where the land is in a natural condition and the management plan for the park has not been prepared.

Staff will file a Notice of Exemption upon Conservancy approval of the proposed project.

CALIFORNIA COASTAL COMMISSION
ENERGY, OCEAN RESOURCES AND FEDERAL CONSISTENCY
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SAN FRANCISCO, CA 94105-2421
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F9a

CDP Filed:	6/5/2024
180th Day:	12/2/2024
Staff:	HM-SF
Staff Report:	6/21/2024
Hearing Date:	7/12/2024

STAFF REPORT: REGULAR CALENDAR

Application No.: **9-24-0411**

Applicant: **Atlas Wind US LLC**

Location: Offshore of Morro Bay, San Luis Obispo County

Project Description: Geophysical, geotechnical sampling, and benthic (seabed) habitat surveys in state waters off of San Luis Obispo County from the coast to the three-mile state water boundary to identify preliminary submarine export cable routing options.

Staff Recommendation: Approval with conditions

SUMMARY OF STAFF RECOMMENDATION

Equinor subsidiary, Atlas Wind US LLC ("Atlas Wind" or "Applicant"), proposes to conduct seafloor surveys in state waters offshore of Morro Bay, San Luis Obispo County, from approximately 0.25 miles from the shore to the three nautical mile state water boundary. The proposed survey area extends northwest of Morro Bay Harbor and does not include areas inside or in front of Morro Bay Harbor. No survey activities are proposed within in front of or within Morro Bay. The proposed surveys include: (1) low energy, high resolution geophysical surveys to map seafloor features, sediment types,

and subsurface sediments; (2) geotechnical sampling to confirm the data interpretation of the geophysical survey mapping, provide information about sediment variability and stratigraphy, and provide samples for geoarchaeological analyses; and (3) benthic (seabed) habitat surveys, consisting of the collection of sediment plan view and profile images to evaluate the presence and abundance of benthic organisms (including rare or sensitive species).

Although the proposed survey activities would generate elevated levels of underwater sound, the majority of those sounds would be at frequencies outside of the hearing range of marine wildlife and would decay below natural background levels within a limited distance from the sound sources. The mapping data from the geophysical surveys would be used to identify locations for geotechnical and benthic samples. The proposed surveys would produce data of the seafloor that would be used to inform future potential development plans for submarine export electric cable routes to serve Atlas Wind's potential offshore wind energy development in federal waters, with the primary purpose of avoiding or minimizing adverse effects to coastal resources and uses. The maps would include information about substrate and sediment type, and the location of potentially sensitive marine resources that the future cable routes should avoid, such as archeological and cultural resources, rocky reefs, and consolidated hard bottom habitat.

The Coastal Act issues raised by this project include potential adverse effects to marine resources, commercial fishing, and cultural resources. To minimize potential adverse effects to marine resources, Commission staff recommends **Special Conditions 1 through 7.** These conditions would memorialize resource protection and minimization measures proposed by Atlas Wind and the California State Lands Commission (CSLC) (**Special Condition 1**). **Special Condition 2, 5, and 6** would require Atlas Wind to submit a Marine Wildlife Monitoring and Contingency Plan (MWMCP), Oil Spill Contingency Plan (OSCP) and Critical Operations and Curtailment Plan (COCP), respectively, to the Executive Director for review and approval. **Special Condition 3** would minimize the risk of vessels striking marine mammals or sea turtles by limiting vessel speeds to 10 knots. **Special Condition 4** would require Atlas Wind to avoid intentional contact with sensitive seafloor habitat, while **Special Condition 7** would protect marine water quality by prohibiting discharges. With these conditions in place, staff recommends that the Commission find the proposed project is consistent with Sections 30230, 30231 and 30232 and 30233 of the Coastal Act.

To minimize potential adverse effects to commercial and recreational fishing, Atlas Wind would be required through **Special Condition 1** to survey the project area for fishing gear prior to commencing surveys**.** Additionally, Atlas Wind would have a fisheries representative on board the survey vessel to monitor for fishing activity and gear and would contract with a local recreational fishing vessel to scout the survey area for fishing gear and activity. In the event that a survey vessel damages or snags fishing gear, **Special Condition 7** would require Atlas Wind to use all feasible measures to retrieve the gear. Atlas Wind would maintain open communication with local fishermen

through its Fisheries Liaison with information about timing and location of surveys. Atlas Wind has also created a Fisheries Communication Plan that details protocols for avoidance of fishing gear and a claims process for gear that is lost or damaged due to project activities. As conditioned, staff recommends that the Commission find the proposed project protects commercial and recreational fishing and is therefore consistent with Coastal Act Section 30234.5.

Potential adverse effects to cultural resources would be minimized through the inclusion of **Special Condition 8,** which would require Atlas Wind to immediately notify the Executive Director and Native American Tribes with historic ties to the project area of any observations of archaeological or cultural resources. Staff recommends that the Commission find the proposed project is consistent with the protection of archaeological, paleontological, or tribal cultural resources and is therefore consistent with Section 30244 of the Coastal Act.

The motion and resolution to carry out this recommendation are on page 5. The standard of review is Chapter 3 of the Coastal Act.

TABLE OF CONTENTS

EXHIBITS

I. MOTION AND RESOLUTION

Motion:

I move that the Commission **approve** Coastal Development Permit No. 9-24-0411 pursuant to the staff recommendation.

Staff Recommendation:

Staff recommends a YES vote on the forgoing motion. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

Resolution:

The Commission hereby approves Coastal Development Permit 9-24-0411 and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse effects of the development on the environment.

II. STANDARD CONDITIONS

The Coastal Development Permit (CDP) No. 9-24-0411 is granted subject to the following standard conditions:

1. **Notice of Receipt and Acknowledgement.** The permit is not valid and development shall not commence until a copy of the permit, signed by the Applicant or its authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permit may be assigned to any qualified person, provided the assignee files with the Commission an affidavit accepting all terms and conditions of the permit.

5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the Applicant to bind all future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS

CDP No. 9-24-0411 is subject to the following special conditions:

1. **Avoidance and Mitigation Measures**. All avoidance and mitigation measures identified in Atlas Offshore Wind LLC's CDP application and in California State Lands Commission survey requirements (Cal. Code Regs. Tit. 2, § 2100.07 - Pre-Survey Requirements, Survey Operations, and Post-Survey Requirements) are incorporated herein, and Atlas Wind shall fully implement these measures. The avoidance and minimization measures referenced in **Special Condition 1** are attached to this report as **Exhibits 2 and 3.**

2. **Marine Wildlife Monitoring and Contingency Plan (MWMCP).** PRIOR TO THE COMMENCEMENT OF SURVEY ACTIVITIES, the Permittee shall prepare an MWMCP for review and approval by the Executive Director. The Permittee shall implement the MWMCP during all marine operations. The MWMCP shall include the following elements, and shall be implemented consistent with vessel and worker safety:

    - Prior to the start of offshore activities, the Permittee shall provide awareness training to all Project-related personnel and vessel crew, including viewing of an applicable wildlife and fisheries training video, on the most common types of marine wildlife likely to be encountered in the Project area and the types of activities that have the most potential for affecting the animals.

    - A minimum of two National Marine Fisheries Service (NMFS)-evaluated and approved marine wildlife monitors (MWMs; also known as Protected Species Observers, PSOs) shall be located on the survey vessel to conduct visual monitoring for marine wildlife during all active survey activities/data collection and vessel movements. All visual monitoring shall occur from the highest practical vantage point aboard the survey vessel; binoculars shall be used to observe the surrounding area, as appropriate.

    - Shipboard MWMs/PSOs shall submit weekly reports to the Executive Director no later than noon every seven days from the first day of the survey, provided that electronic communications from the survey vessel are available. The reports shall be of sufficient detail to determine whether observable effects to marine mammals are occurring. At a minimum, MWMs shall collect the following information daily: (1) general location(s) of MWMs and marine wildlife observations; (2) date/time monitoring

begins/ends; (3) activities occurring during each observation period; (4) weather parameters (e.g., percent cover, visibility) and conditions (e.g., sea state); (5) species observed and number of individuals; (6) description of any marine wildlife behavior patterns, including bearing and direction of travel and distance from pile driving activities; (7) other human activity in the area. MWMs shall keep a log book of notes about sightings of marine mammals, special-status birds or sea turtles. Entries in the log shall be made at least hourly, even if the entry is “None observed.”

- The Permittee shall submit a Post-Survey Report to the Executive Director not more than 30 days after the completion of the project. The report shall include
    i. A narrative description of the work performed, including the dates and times during which data collection occurred, and the environmental conditions (i.e., weather and sea state) encountered during survey operations.
    ii. A chart or map with track lines surveyed and spatial information related to the survey track lines (either Global Positioning System (GPS) coordinates (in decimal degrees format)) or Geographic Information System (GIS) files.
    iii. A narrative description of any encounters with marine mammals, reptiles, or unusual concentrations of diving birds/seabirds (e.g., species, group size, age/size/sex categories (if determinable), behavior, distance, and bearing from vessel) and the outcome of those encounters.
    iv. The number of times shutdowns or slowdowns were ordered due to animals being observed in the safety zone or due to poor visibility conditions, as assessed by the MWM(s); and
    v. If applicable, the number of collision events and type and disposition of animal.
- The Permittee shall make available to the Executive Director, upon request, factual and physical survey results, logs, records, field acquired data, processed records or any other data/information resulting from operations under this permit. The Executive Director shall treat any information marked confidential as such, to the extent permitted by law.
- The MWMs/PSOs shall have the appropriate safety and monitoring equipment adequate to conduct their activities (including night-vision equipment).
- The MWMs/PSOs shall have the authority to stop any activity that could result in harm to a marine mammal or sea turtle. When geophysical survey

equipment is operated, safety zone monitoring shall be consistent with the survey requirements under the California State Lands Commission's offshore geophysical survey permit program (**Exhibit 3**).

- Anytime a vessel is underway (transiting or surveying), the MWMs/PSOs shall monitor a vessel strike avoidance zone around the survey vessel. The avoidance zone shall be 500 meters (1,640 ft.) for the protection of large mammals (i.e., whales) and 100 meters (328 ft.) for the protection of smaller marine mammals (i.e., dolphins, sea lions, seals, etc.) or sea turtles. The vessel must maintain the vessel strike avoidance zone as a minimum separation between the ship and marine mammals and sea turtles.
- In the event that a whale becomes entangled in any cable or lines, the observer shall immediately notify NMFS and the Executive Director, so appropriate response measures can be implemented. Similarly, if any harassment or harm to a marine mammal occurs, the observer shall immediately notify the Executive Director, NMFS and any other required regulatory agency.
- Propeller noise and other noises associated with survey activities shall be reduced or minimized to the extent feasible.
- The captain of the survey vessel and the Permittee's Project management team shall be responsible for ensuring that the MWMCP is implemented.

3. **Minimizing the risk of vessel strikes**: Vessels conducting surveys shall travel at speeds of no more than 10 knots during all related activities, including vessel transit.
4. **No bottom contact with sensitive benthic habitat**: The Permittee shall avoid intentional seafloor contact within hard substrate, rock outcroppings, seamounts, or deep-sea coral/sponge habitat and include a buffer that fully protects these habitats from bottom contact.
5. **Oil Spill Contingency Plan (OSCP).** Prior to the commencement of survey activities, the Permittee shall prepare and submit to the Executive Director for review and approval an OSCP for accidental releases of petroleum and/or non-petroleum products. The OSCP shall identify the worst-case spill scenario and demonstrate that adequate spill response equipment will be available. The Plan also shall include preventative measures the Permittee will implement to avoid spills and clearly identify responsibilities of onshore and offshore contractors and the Permittee personnel and shall list and identify the location of oil spill response equipment (including booms), appropriate protocols and response times for deployment. Petroleum-fueled equipment on the main deck of all vessels shall have drip pans or other means of collecting dripped petroleum, which shall be collected and treated with onboard equipment. Response drills shall be in

accordance with Federal and State requirements. Contracts with off-site spill response companies shall be in place and shall provide additional containment and clean-up resources as needed.

6. **Critical Operations and Curtailment Plan (COCP).** Prior to the commencement of survey activities, the Permittee shall submit a Final COCP to the Executive Director for approval. The COCP shall define the limiting conditions of sea state, wind, or any other weather conditions that exceed the safe operation of offshore vessels, equipment, or divers in the water; that hinder potential spill cleanup; or in any way pose a threat to personnel or the safety of the environment. The COCP shall provide for a minimum ongoing five-day advance favorable weather forecast during offshore operations. The plan shall also identify the onsite person with authority to determine critical conditions and suspend work operations when needed.
7. **Marine Discharge**. There shall be no marine discharge of sewage or bilge/ballast water from vessels during survey activities or transit. A zero-discharge policy shall be adopted for all project vessels.
8. **Gear Entanglement.** In the event that the survey vessel, towed equipment or AUVs snag fishing gear or that any other type of entanglement occurs (e.g., involving a whale), the Permittee shall use all feasible measures to retrieve the fishing gear or inanimate object. In the event of an entanglement involving a whale, the Permittee shall notify the NOAA stranding coordinator. The Permittee shall notify the Executive Director within 48 hours of its knowledge of gear loss or other entanglement. Gear loss retrieval shall occur no later than six weeks after discovering or receiving notice of the incident, unless otherwise authorized by the Executive Director. If full removal of gear is not feasible, the Permittee shall remove as much gear as practicable to minimize harm to wildlife (e.g. fishes, birds, and marine mammals). Within two weeks of completing the recovery operation, the Permittee shall submit to the Executive Director a report describing: (a) the nature of and location of the entanglement (with a map), and the retrieval method used for removing the entangled gear or object or the method used for minimizing harm to wildlife if gear retrieval proves infeasible.
9. **Tribal Notification.** (a) If tribal cultural and/or archaeological resources are discovered during seafloor-disturbing activities, all seafloor-disturbing activities shall cease within 150 feet diameter of the site of discovery, and the Permittee shall immediately notify and retain a tribal cultural resource specialist and, if needed, at the recommendation of the tribal cultural specialist, a qualified archaeologist to analyze the significance of the find in consultation with the Native American Tribes listed in Section B, Tribal Outreach and Consultations. A qualified Archaeologist means an individual who meets the Secretary of the Interior’s Professional Standards for an Archaeological Principal Investigator and/or is listed as Registered Professional Archaeologist. The tribal cultural

resource specialist and archaeologist, if needed, shall immediately notify the Tribes in Section B, Tribal Outreach and Consultations. Significance testing may be carried out only if acceptable to the affected Native American Tribe(s), in accordance with a Significance Testing Plan. An “exclusion zone” of 150 feet diameter where further seafloor disturbance and unauthorized personnel are not permitted shall be established around the discovery area. Project activities may continue outside of the exclusion zone.

(b) Should human remains be discovered in sediment samples or during visual or geophysical surveys during the course of the project, immediately after such discovery, the qualified archaeologist and/or Native American monitor shall notify the county coroner within 24 hours of such discovery, and all seafloor-disturbing activities shall be temporarily halted until the remains can be identified. An “exclusion zone” shall be established around the discovery area. If the county coroner determines that the human remains are those of a Native American, the coroner shall contact the NAHC within 24 hours, pursuant to Health and Safety Code Section 7050.5. The NAHC shall deem the Native American most likely descendant (MLD) to be invited to participate in the identification process pursuant to Public Resources Code Section 5097.98. The Permittee shall comply with the requirements of Section 5097.98 and work with the MLD person(s) to preserve the remains in place, move the remains elsewhere onsite, relinquish the remains to the descendants for treatment, or determine other culturally appropriate treatment. Within five (5) calendar days of notification to NAHC, the permittee/ landowner shall notify the Coastal Commission’s Executive Director of the discovery of human remains and identify any changes to the proposed development or mitigation measures that may be needed related to the inadvertent discovery. The Executive Director shall maintain confidentiality regarding the presence of human remains on the project site. The Executive Director shall determine whether the identified changes are de minimis in nature and scope.

(c) A permittee seeking to recommence project activities within an exclusion zone following discovery of tribal cultural and/or archaeological resources (excluding the discovery of human remains, which shall follow Section 5097.98 as noted in above) shall submit a Supplementary Archaeological Plan (SAP) prepared by the project archaeologist in consultation with the Native American Tribes listed in Section B, Tribal Outreach and Consultations. The SAP shall be submitted for the review and written approval of the Executive Director. If the Executive Director approves the SAP and determines that the SAP’s recommended changes to the proposed development or mitigation measures are de minimis in nature and scope, surveys may recommence after this determination is made by the Executive Director in writing. If the Executive Director approves the SAP but determines that the changes therein are not de minimis, construction may not

recommence until after an amendment to this permit is approved by the Commission.

10. **Indemnification.** By acceptance of this permit, Atlas Offshore Wind LLC agrees to reimburse the Coastal Commission in full for all Coastal Commission costs and attorney's fees -- including (1) those charged by the Office of the Attorney General, and (2) any court costs and attorney's fees that the Coastal Commission may be required by a court to pay -- that the Coastal Commission incurs in connection with the defense of any action brought by a party other than the Atlas Offshore Wind LLC against the Coastal Commission, its officers, employees, agents, successors and assigns challenging the approval or issuance of this permit. The Coastal Commission retains complete authority to conduct and direct the defense of any such action against the Coastal Commission.

IV. FINDINGS AND DECLARATIONS

A. PROJECT DESCRIPTION

Atlas Offshore Wind US LLC (Atlas Wind) proposes to conduct low energy, high resolution geophysical surveys, geotechnical sampling, and benthic (seabed) habitat surveys in state waters off San Luis Obispo County from approximately 0.25 mile offshore (in 20 feet of water, referenced to the mean lower-low water level) to the three-mile state water boundary (Figure 1). The purpose of these surveys is to gather data and information to guide future potential development plans for a potential submarine export electric cable corridor between Atlas Wind's offshore wind lease area in federal waters and potential cable landfall locations in San Luis Obispo County. The proposed survey area extends northwest of Morro Bay Harbor and does not include areas inside or in front of Morro Bay Harbor. Atlas Wind has reduced the proposed survey area since it withdrew its CDP waiver request from the May 2024 Commission Hearing and will no longer be surveying in state waters near Diablo Canyon. The proposed survey area is depicted in the map below.

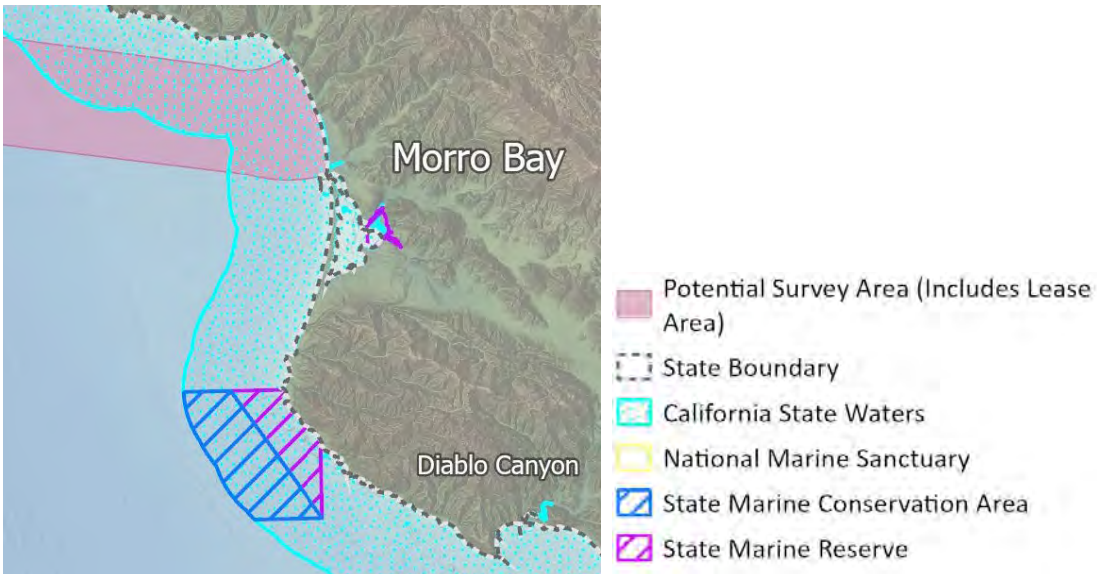


Figure 1 Map of Morro Bay showing Atlas Wind's proposed survey area, where the pink and blue dotted layers overlap, area in California State waters

In June 2022, the Commission conditionally concurred with the Bureau of Ocean Energy Management's (BOEM) leasing of a wind-energy development area offshore of Morro Bay (CD-0004-22). That project includes the federal waters portions of the surveys proposed here. Those surveys in federal waters began in the spring of 2024. The proposed state water survey methods and survey equipment considered in this application are the same as the methods, activities and equipment that the Commission reviewed and conditionally concurred with for federal waters as part of the BOEM consistency determination. Specifically, both sets of surveys would use low energy, high resolution geophysical survey equipment, involve small seafloor disturbance footprints for sediment coring and benthic sampling equipment, and be conducted from survey ships with protected species observers (PSO) (also known as marine wildlife monitors (MWM)) using best practices to avoid marine mammal and sea turtle strikes from the survey vessel and minimize potential adverse effects to fisheries.

Geophysical Survey

The proposed low energy, high resolution geophysical (HRG) surveys would produce maps of the seafloor that would be used to inform future potential development plans for submarine cable routes. The maps would include information about substrate and sediment type, and the location of potentially sensitive marine resources that the future cable route should avoid, such as archeological and cultural resources, rocky reefs, sea mounts, submarine canyons, deep sea corals and consolidated hard bottom habitat. The maps would be created using a combination of acoustic and nonauditory equipment. All acoustic equipment proposed to be used is classified as low-energy imaging/sensing equipment and includes multi-beam echo sounders, side scan sonar, and sub-bottom profilers (**Exhibit 1**). None of this geophysical survey equipment would contact the seabed. Depending on bathymetry and hazards, the HRG survey equipment will be either mounted on underwater autonomous vehicles (AUVs), be hull-mounted on

a survey vessel, and/or towed by the survey vessel. A hull-mounted, ultra-short baseline (USBL) acoustic positioning system would be used to improve navigational and positional accuracy of the AUVs and towed geophysical survey equipment.

Geotechnical and Benthic Habitat Surveys

Geotechnical and benthic sampling would confirm the data interpretation of the geophysical survey mapping, provide information about sediment variability and stratigraphy, and provide samples for geoarchaeological analyses. The mapping data from the geophysical survey would be used to identify locations for geotechnical and benthic samples. Atlas Wind anticipates collecting a total of 11 vibracores, 11 piston cores, six cone penetration tests, two sediment grab samples, and three sediment plan view and profile images during their geotechnical and benthic sampling surveys. If a cone penetration test or core does not meet its target depth, an additional sampling attempt may be tried in a slightly offset location. The vibracore would collect 4-inch diameter, 6 meter (m) vertical sediment cores, the piston core would collect 3.3-inch diameter, 20 m vertical sediment cores, the cone penetration test would involve extension of a 6 m long rod through the sediment without collecting any sediment, and the sediment grab would collect the top 2 to 4 inches of sediment from a one square foot area. In total, approximately 2.35 cubic yards (CY) of sediment would be removed during the combined geotechnical and benthic sampling surveys. The total area of seabed contact during sampling is anticipated to be 845.2 square feet, based on the footprint and number of samples collected by each instrument. Sediment plan view and profile view images would collect image information about the presence and abundance of benthic organisms. These images would be analyzed for rare or sensitive species living in the sediments prior to conducting sediment grab samples. Sediment grab samples would only be collected when rare or sensitive species are absent from the sediment images.

Project Vessels and Timing

Atlas Wind proposes using a combination of offshore and nearshore vessels, and autonomous underwater vehicles (AUVs) to deploy the equipment that will perform its geophysical, geotechnical, and benthic surveys. Generally, an offshore vessel (250 – 360 feet in length) would be used in water deeper than approximately 130 m and a nearshore vessel (30 feet in length) would be used to survey water less than approximately 130 m deep. The vessels have overlapping operational depth ranges—the vessel used will depend on bathymetry and hazards, distance to port, and availability. When the offshore vessel is used, up to three AUVs would collect geophysical data. When the nearshore vessel is used, geophysical surveys would be conducted with one smaller AUV or with hull-mounted and/or towed equipment. Atlas Wind anticipates conducting the majority of the proposed state water surveys with the nearshore vessel.

Atlas Wind estimates that geophysical surveys would be completed over a maximum of 40 days. Geotechnical sample collection would take up to four days, and benthic

surveys would take up to four days. The nearshore vessel would operate for 12 hours a day and the offshore vessel would operate for 24 hours a day. In total, the surveys would be conducted over a maximum of 48 days, which includes time for bad weather. Surveys would be conducted between June 2024 to July 2025 with geophysical surveys anticipated in 2024 and geotechnical and benthic surveys in 2025.

B. Other Agency Approvals

California State Lands Commission (CSLC)

The CSLC has regulatory authority over geophysical and geotechnical surveys on State sovereign lands, including submerged lands, to ensure the surveys are consistent with the allowable uses of public trust resources. The survey contractor that Atlas Wind has hired, Ocean Infinity, possesses a nonexclusive General Offshore Geophysical Survey Permit to conduct geophysical surveys using low-energy equipment and a General Permit to Conduct Geologic Surveys from CSLC. CSLC updated the Offshore Geophysical Permit Program (OGPP) in 2013 to incorporate the latest science on ocean acoustics and effects to marine life. The CSLC conducted environmental review of the OGPP, with public review and adopted a Mitigated Negative Declaration (MND) pursuant to California Environmental Quality Act (CEQA) that identified protective measures to avoid or mitigate potentially significant effects to marine life and the coastal environment from the use of low-energy geophysical surveys to a point where no significant effects would occur from the surveys. In 2015, through AB 1274, the Legislature found that the updated regulations protect marine life and improve public transparency through the inclusion of pre-survey noticing requirements. All upcoming OGPP surveys can be found on the CSLC's OGPP website: https://www.slc.ca.gov/ogpp/.

State Water Resources Control Board (SWCRB)

The SWCRB regulates discharge of dredged or fill materials to the waters of the State. SWCRB issued a Notice of Applicability for the proposed projects enrollment under General Order No. WQ 2021-0048-DWQ on April 26, 2024.

United States Army Corps of Engineers (USACE)

USACE regulates the placement of fill in waters of the United States. A Nationwide Permit 6 (NWP 6) was issued May 2, 2024, and authorizes survey activities such as core sampling and soil sampling. The NWP 6 does not obviate the need to obtain other Federal, state, or local authorizations as required by law.

California Department of Fish and Wildlife (CDFW)

CDFW regulates the collection and possession of wildlife for scientific, educational, or propagation purposes through Scientific Collecting Permits. CDFW issued Atlas Wind a scientific collecting permit for benthic and geotechnical survey sampling on April 11, 2024.

Tribal Outreach and Consultations

During the review of this project, Commission staff reached out to representatives from the following Native American Tribes understood to have current or historic connections to the project area: Barbareño/Ventureño Band of Mission Indians, Chumash Council of Bakersfield, Coastal Band of the Chumash Nation, Northern Chumash Tribal Council, Salinan Tribe of Monterey San Luis Obispo Counties, Santa Ynez Band of Chumash Indians, Tule River Indian Tribe, Xolon-Salinan Tribe, yak tityu tityu yak tiłhini – Northern Chumash Tribe.

Commission staff received one request for consultation and one request for notification of discoveries of archaeological and cultural resources. Following the initial request for consultation, Commission staff responded with clarifications about the project design and an offer to schedule a consultation meeting; however, the tribe requesting consultation did not respond to this outreach and no consultation occurred. Another Tribe requested notification of any cultural resources encountered during surveys. **Special Condition 9** incorporates notification of archaeological and cultural discoveries to the Tribes listed here with current and historic connections to the project area.

C. MARINE RESOURCES AND WATER QUALITY

Section 30230 of the Coastal Act states:

> Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Section 30231 of the Coastal Act states:

> The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Section 30232 of the Coastal Act states:

> Protection against the spillage of crude oil, gas, petroleum products, or hazardous substances shall be provided in relation to any development or transportation of such materials. Effective containment and cleanup facilities and procedures shall be provided for accidental spills that do occur.

In general, geophysical surveys, geotechnical sampling of the seafloor, and benthic habitat surveys have the potential to minimally affect marine resources in several ways. Marine organisms may detect the generation of underwater sound from low energy, high resolution geophysical survey equipment and, generally, the movement of any vessel operating in the ocean increases the risk of potential collisions between vessels and marine wildlife. There is also some risk that towing, and deploying geophysical and geotechnical survey equipment tethered to the ship could entangle marine wildlife in the towing and deployment ropes/cables. Without adequate safeguards, there is also some risk that geotechnical and benthic habitat surveys could adversely affect benthic habitat and water quality during core sampling and collection of benthic habitat data. As discussed in the analysis below, the proposed project, as conditioned, avoids or minimizes these potential effects on marine resources and water quality.

Underwater Sound

Some of the sound generated during the low energy, high resolution geophysical (HRG) survey could minimally affect marine mammals and select fish species that can detect high frequency sound for a brief period of time. The proposed survey equipment is not expected to adversely affect any marine mammals, fish, sea turtles, invertebrates, or larvae.

Anthropogenic activity in the ocean creates a wide range of sounds that vary in pitch, intensity, and duration. Some sounds are created as byproducts of activities, such as the noise from a ship during transit, or the impact noise from pile driving. Other sounds are purposefully created, controlled, and used in the ocean to map and explore the seafloor, visualize sediment and sub-bottom features, and communicate and track remote devices. Controlled sounds would be created from the use of geophysical survey equipment during the surveys proposed by Atlas Wind. Incidental sound would also be created from the operation and movement of survey vessels. The potential for these sounds to adversely affect marine resources depends on the physical characteristics of the sound, the biological characteristics of the organism experiencing the sound, and the organism’s position relative to the sound source. The hearing ranges of some marine taxa in relation to anthropogenic sound sources are shown in Figure 2 from the publication Duarte et al. (2021).[8]

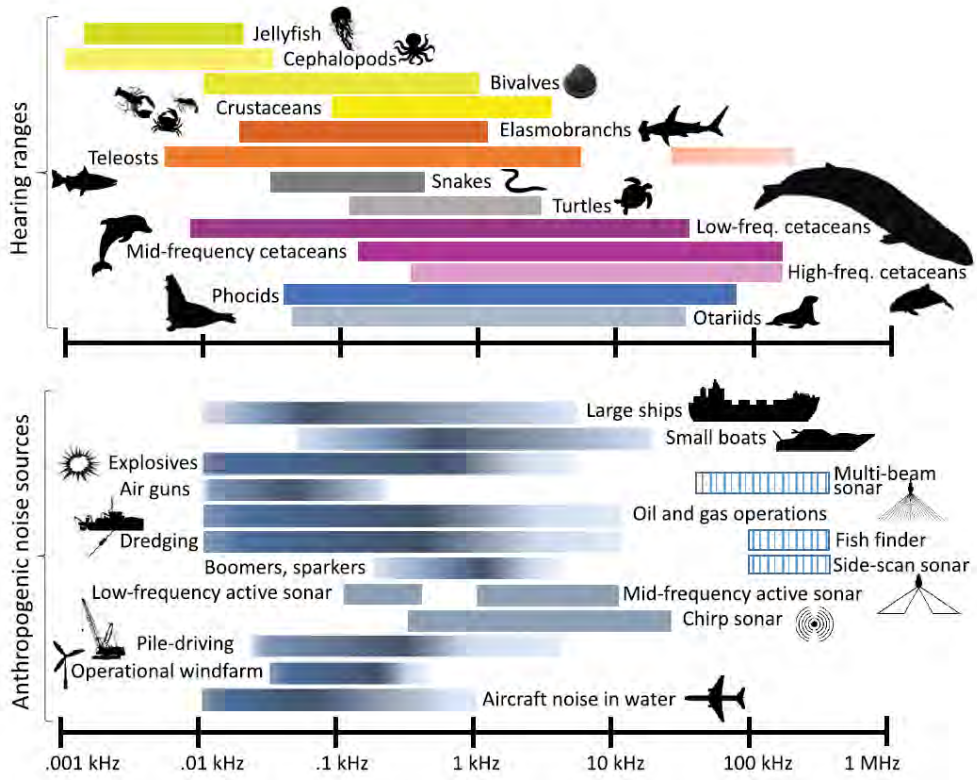


Figure 2. Image from Duarte et al (2021).[8] Hearing ranges of marine taxa and frequence ranges of selected anthropogenic sound sources. These ranges represent the acoustic energy over the dominant energy band of each source. Dashed lines represent the multiple frequencies of sonar sources.

Environmental Review and Research on HRG survey equipment

The propagation of sound from HRG survey equipment and its potential to adversely affect marine animals has been studied, reviewed and verified through several programs. The CSLC has overseen and permitted low energy, offshore geophysical survey activities in California state waters since 1941. Since 1984, CSLC has relied on a mitigated negative declaration (MND) to comply with CEQA when issuing geophysical permits for low energy survey activities under the offshore geophysical survey permit program (OGPP). In 2011, recognizing that a considerable amount of research had been conducted since the MND was first adopted, CSLC received funding to update and modernize the OGPP. In 2013, CSLC adopted an MND when it approved the OGPP update and found that "project revisions and/or survey activity requirements have been incorporated into the Project that avoid or mitigate those impacts to a point where no significant impacts would occur."[1] The OGPP lists a range of representative equipment, including multi-beam echo sounders (MBES), side scan sonar (SSS), and sub-bottom profilers, that are covered by the program. OGPP Permittees must demonstrate that the radius around the sound source where the intensity decreases to a

[1] Mitigated Negative Declaration: Low-Energy Offshore Geophysical Permit Program Update | CA State Lands Commission, pg. ES-1.

sound pressure level (SPL) of 160 decibels in reference to one micropascal, written as 160 dB re 1 µPa, (which is the National Marine Fisheries Service's threshold for behavioral disturbance or "Level B harassment")[2] can be reasonably monitored by protected species observers to ensure that the equipment is not operated when marine wildlife are present in the area of elevated sound. As required under the OGPP, the permittee provides CSLC with the sound propagation model using the current accepted calculation for peak and cumulative effects using the 20LogR spherical spreading loss method. Atlas Wind's proposed survey equipment is permitted under the OGPP and thus will follow all the OGPP requirements identified in the MND. Those requirements and protective measures are further incorporated into this coastal development permit through **Special Condition 1**, to ensure that Atlas Wind's survey activities will not have a significant adverse effect on the environment.

Research on HRG survey equipment has continued since CSLC adopted its updated MND and modernized its OGPP. The Bureau of Ocean Energy Management (BOEM) has also funded a number of studies on HRG sources. In 2016, BOEM contracted with the Naval Undersea Warfare Center (NUWC) to study and quantify the characteristics of sounds radiated by 18 different types of geophysical survey systems.[3] The results from the NUWC study provided detailed laboratory measurements of the acoustic field radiated by marine geophysical acoustic survey systems to better understand the potential for these surveys to impact marine ecosystems. In 2018, a team of scientists conducted open water testing of 30 HRG sources to understand open water sound propagation and inform potential impacts on marine life.[4] The results from the open water tests were used to revise models of sound propagation that are used to determine the appropriate PSO monitoring distances and safety zones under the National Environmental Policy Act, the Marine Mammal Protection Act, and the Endangered Species Act.[5] In 2022, a group led by researchers at U.S. Geological Survey (USGS) published a study that categorized geophysical survey equipment into four tiers based

[2] The National Marine Fisheries Service (NMFS) through the marine mammal protection act (MMPA) protects marine mammals from take, which includes harassment. The MMPA has two levels of harassment: Level A has the potenital to result in injury, and Level B harassment has the potenital to cause disturbance to essential behaviors such as feeding, breeding, or migrating. Level B (behavioral or incidental harassment) criterion in water is currently source pressure level (SPL) of 160 dB re 1 µPa for all marine mammal species for non-continuous (intermittent) sources and 120 dB re 1 µPa for continuous sources. NMFS Summary of Marine Mammal Acoustic Thresholds (noaa.gov)

[3] Crocker and Fratantonio (2016) BOEM report 2016-044; https://apps.dtic.mil/sti/pdfs/AD1007504.pdf

[4] Halverson and Heaney (2018) BOEM report 2018-052: https://espis.boem.gov/final%20reports/BOEM_2018-052.pdf

[5] Heaney and Halverson (201) BOEM report 2021-021: https://www.boem.gov/sites/default/files/documents/environment/environmental-studies/NT-14-03d.pdf

on their potential to affect marine mammals.[6] Equipment with the highest potential to generate adverse impacts was categorized into Tier 1 and includes high-energy airgun surveys with large volume and/or multiple airguns that are likely to result in physical injury or mortality to marine mammals. Tier 1 seismic survey equipment produces sounds of 15-60 Hz with source levels of 228-259 dB re 1 µPa @ 1 m.[7] In previous actions, the Commission has denied or objected to projects proposing use of Tier 1 equipment because of the potential significant adverse effects to marine species including marine mammals, sea turtles, fish and invertebrates (e.g., PG&E's proposed seismic survey project, CDP No. E-12-005). In contrast, the lowest impact category, Tier 4, includes most HRG survey and communication/tracking sources. Tier 4 equipment is widely considered by the scientific community[8] to be de minimis and unlikely to result in disturbance or injury to marine wildlife. This is because the equipment has some combination of factors including, low source level, narrow beams, directional transmission, short pulse lengths, and/or sound frequencies outside known marine mammal hearing ranges. In short, the "de minimis" classification is based on the frequency of the sound outside of the hearing range of most marine wildlife and the resulting low potential for animal exposure to the sound. Potential exposure to a sound in turn is based on the area/volume of water exposed to the noise and the number of sound pings to which an animal could be exposed. All the equipment proposed for use by Atlas Wind is classified as Tier 4 and is permitted under the CSLC OGPP based on its 2013 MND.

Characteristics of HRG equipment in the CDP application

Atlas Wind proposes to use three types of low energy, high resolution geophysical acoustic devices: multi-beam echo sounder (MBES), side scan sonar (SSS), and sub-bottom profiler. Ultrashort baseline (USBL) technology would also be used for positioning and navigation of survey equipment. Acoustic information, including frequency and maximum source level intensity of generated sound, and the make and model of proposed geophysical equipment are provided in **Exhibit 1**. The intensity levels (decibel, dB) provided in **Exhibit 1** are specified by the manufacturer and represent the highest intensity possible for a given instrument. Operators may choose to run the instrument at a lower intensity depending on data needs and environmental setting; the instruments cannot physically exceed the limits identified in **Exhibit 1. Special Conditions 1 and 2** require noises associated with survey activities to be

[6] Ruppel, C.D.; Weber, T.C.; Staaterman, E.R.; Labak, S.J.; Hart, P.E. Categorizing Active Marine Acoustic Sources Based on Their Potential to Affect Marine Animals. *J. Mar. Sci. Eng.* **2022**, *10*, 1278. https://doi.org/10.3390/jmse10091278

[7] From Ruppel et al. (2022): Acoustic sources are often described in terms of their source level (SL) which is the sound pressure level (SPL) provided at a reference distance of 1 m from the acoustic center of the source.

[8] "Morro Bay group says offshore wind development surveys kill marine life. Is that true?" https://www.sanluisobispo.com/news/local/environment/article285819371.html

reduced or minimized to the extent feasible. The sounds generated from the MBES, SSS, sub-bottom profilers, and USBL have a low potential to affect marine animals because of the high frequency of sound produced and low potential exposure of animals to the sound.

Sound created from two of the HRG devices, the MBES and SSS, are not expected to have any auditory effects on any marine animals because the frequencies of sound produced by these devices are higher than the known hearing detection limit of marine organisms (Figure 2).[9] The MBES and SSS proposed by Atlas Wind produce sounds that range in frequency from 200 kHz to 850 kHz (**Exhibit 1**). Fish and sea turtles detect sounds up to 2 – 4 kHz, while marine mammals are capable of detecting sounds over a broader range of ~7 Hz – 160 kHz. In all cases, the hearing ranges of these animals are well below the sound frequencies emitted by the MBES and SSS. The most sensitive marine animals to high frequency sound are mid- and high-frequency cetaceans that can detect sound up to 160 kHz,[2] which is also below the frequency emitted by the MBES and SSS. Thus, the use of this survey equipment would not cause animals to alter their behavior, nor would it have the potential to injure or harm marine animals.

The frequencies of sound produced by the sub-bottom profiler (2 – 16 kHz) and USBL beacons (20 – 34 kHz) are within the hearing range of marine mammals but are outside the hearing range of sea turtles and most fish species. The maximum hearing frequency for sea turtles, including juveniles, is understood to be 2 kHz. The maximum hearing frequency of most fish is 1 – 2 kHz with some hearing specialist species able to detect sounds up to 4 kHz. However, the potential for sound to harass or harm an animal depends on both the ability of the animal to detect the noise and the potential for an animal to be exposed to high intensities (dB) of the sound. The National Marine Fisheries Service (NMFS) threshold for behavioral disturbance of marine mammals is 160 dB.[2] The sub-bottom profiler creates short, intermittent pings of a relatively narrow beam of sound (17 – 24°). Available mathematical and computer modeling shows that the intensity of the sound decreases below behavioral disturbance threshold levels (160 dB) within 5 m of the sound source. These characteristics make it unlikely that an animal would be exposed to sound that would be considered capable of causing behavioral disturbance by NMFS. Thus, sub-bottom profilers have been classified as de minimis in the Ruppel et al. (2022) study, by NMFS precedent, and in the CSLC MND. The USBL beacon has a narrow beam width, produces intermittent and transitory sound for approximately three seconds and has a 160 dB radius of roughly 45 m. NMFS determined that a USBL system was unlikely to lead to incidental harassment or injury to marine mammals.

Despite the low potential for the proposed survey equipment to adversely affect marine wildlife, Atlas Wind has nevertheless incorporated measures into its proposed survey to further limit the potential auditory effects from the sub-bottom profiler when it is hull mounted or towed behind the survey vessel. These measures are incorporated into the

[9] C. M. Duarte et al., Science 371, eaba4658 (2021). DOI: 10.1126/science.aba4658

CDP through **Special Conditions 1 and 2,** which require protected species observers (PSOs) to monitor the area around survey instruments with sources operating less than 200 kHz. If a marine mammal or turtle enters the "shutdown zone" (established at 500 m for whales, 100 m for smaller marine mammal and sea turtles), use of all active acoustic sources below 200 kHz will immediately cease.

While implementation of shutdown zones is more difficult for AUVs operating underwater and away from survey vessels, AUVs allow survey activities to be conducted 40 feet or less above the seafloor, thus significantly reducing the amount of water column exposed to underwater sound compared to the vessel-mounted and towed survey equipment. PSOs will also be responsible for monitoring the area around the known AUV position to determine if marine wildlife is present. The exact position of the AUV would be known based on ultrashort baseline (USBL) positioning technology and the survey vessel would remain near the AUV during operation.

In summary, the sound that would be generated by the proposed geophysical survey equipment is either high frequency, beyond the range that can be detected by marine animals, or is unlikely to adversely affect marine animals due to the narrow beam of sound created, the short duration of the sound, and the low probability of an animal coming close enough to the sound sources to be exposed to high levels of the sound. This is due in part to the proposed use of AUVs and the additional protection that would be provided by the measures included in **Special Conditions 1 and 2**. Thus, as conditioned, the proposed geophysical survey is consistent with the protection and maintenance of marine resources and healthy populations of marine organisms.

Project-Related Vessel Noise

The movement of the survey vessel to and from the project location and during survey activities would contribute to underwater sound. Vessel transit creates sound from propeller movement (cavitation), onboard machinery, and the flow of water around the ship. Sounds from vessel operation and transit are typically low frequency, ranging from 5 Hz to 1 kHz,[10] and thus audible to marine mammals, turtles and fish. The intensity of the sound depends on ship design, size, and transit speed. Source levels for vessels typically range from 150 – 170 dB at reference to 1 micropascal and sound intensity generally increases with increases in ship speed.[9] Noise from temporary or occasional ship traffic is likely to result only in temporary behavioral changes in marine animals, but the global trend of increasing ship noise especially near major shipping lanes is a growing concern.[8]

The survey vessels used by Atlas Wind would temporarily and incrementally increase sound near the active survey area. The continuous sound generated from the vessels would be relatively low intensity for much of the project, due to the low vessel speeds (2 – 5 knots) during surveying, would attenuate to levels below the NMFS marine mammal behavioral disturbance threshold within a relatively short distance from the source, and

[10] Sound Source List (boem.gov)

would be limited in time and space due to the nature of the project. Vessel speed restrictions (as required through **Special Condition 3**) and implementation of the marine wildlife monitoring program required in **Special Condition 2** would further limit exposure of marine wildlife to noise levels that would be sufficiently high to result in adverse effects. Sound generated from AUVs themselves is expected to be very minimal because they are electric, and have very few moving parts, and are built to minimize resistance in the water.[11]

Ship Strikes

The proposed surveys include the transit of vessels to, from and within the project area for an estimated 48 days. The larger offshore vessel would operate at sea for up to six weeks at a time and return to port in San Fransisco. The smaller nearshore vessel would operate 12 hours a day and return to a port near the survey area daily. The vessel traffic associated with the project increases the potential for collision between a ship and marine animal. Larger, faster moving vessels, like the offshore survey vessel proposed here, are more often associated with collisions that result in injury or death to marine wildlife. However, collision and injury risk decrease when vessel speeds are reduced below 10 knots.[12] **Special Condition 3** would integrate this well-established protective measure into the proposed project by requiring project vessel speeds to be limited to 10 knots and below. When surveys are being conducted, vessel speeds would be further reduced to 2 – 5 knots by the necessity of tracking survey equipment. Additionally, **Special Condition 2** would decrease the potential for ship strike by requiring PSOs to monitor and maintain a 500 m or greater distance from any whale species or large unidentified marine mammal and 100 m distance from any turtle visible at the surface. PSOs would use infrared cameras and night-vision devices with thermal clip-ons and a handheld spotlight to monitor vessel safety zones at night and during poor visibility.

Wildlife Entanglement

Some geophysical surveys and all geotechnical and benthic surveys would be conducted using equipment that is tethered to the survey vessel by wire or rope. When geophysical surveys are conducted with towed equipment, up to 300 m of wire would separate the vessel and tow-body carrying the survey instrumentation. The distance between the vessel and the towed equipment would depend on water depth. The tow-body would remain above 4 – 10 m depth above the seafloor. Cores, sediment penetration testing, grab samples and sediment images would be conducted by instrumentation deployed from the survey vessel on a wire or rope. The length of tether separating the vessel from the sampling equipment would vary based on bottom depth.

[11] On the radiated noise of the Autosub autonomous underwater vehicle (psu.edu)

[12] Vanderlaan, A. S. M., and C. T. Taggart. 2007. Vessel collisions with whales: The probability of lethal injury based on vessel speed. Marine Mammal Science 23:144–156

Bathymetry in the proposed project area is generally < 100 m in depth. The risk of wildlife becoming entangled in the tethers between survey instruments and the vessels is low because instruments would continually be monitored, lines would be taut, and PSOs monitoring would provide the vessels with instructions on how to avoid interaction with marine species (as required through **Special Condition 1, 2, and 3**). Additionally, **Special Condition 6** requires Atlas Wind to submit and adhere to a critical operations and curtailment plan which outlines safe weather conditions in which geophysical and geotechnical survey activities can and cannot take place. These weather conditions are often present during the winter months and coincide with gray whale migrations and other periods of high marine mammal density. As such, survey activities during winter months when whale density in the project area is high are likely to be limited by weather and implementation of the critical operations and curtailment plan.

Seafloor disturbance and Marine Water Quality

Collection of sediment cores and benthic habitat samples would disrupt localized seafloor habitat and species, and temporarily decrease water clarity by increasing turbidity. Data from the USGS California Seafloor Mapping Program indicates that the benthic habitat offshore of Morro Bay is a combination of soft sediment and hard-flat and rugged rock outcroppings. All geotechnical and benthic habitat samples would be collected from soft substrates (as required through **Special Condition 4**), minimizing adverse effects to potentially sensitive habitats associated with hard bottom substrate. The exact sampling location of cores, cone penetration tests, sediment images, and sediment grabs, would be decided based on the data collected during the geophysical survey. Additionally, Atlas Wind would only collect sediment grab samples after verifying that the sample location does not contain any rare or sensitive benthic species from the sediment profile and plan images. Given the limited amount of sediment that would be collected and disturbed, the abundance of adjacent habitat of a similar type and the likely low density of marine organisms within the sample areas, the soft bottom sediment and associated marine life is expected to recover quickly from disturbances related to sample collection. In total, geophysical and benthic sampling would have a combined footprint of 845.2 square feet and collect 2.35 cubic yards of sediment, spread across approximately 30 sites. To provide additional protection for areas of special biological significance and sensitivity, **Special Condition 4** would require Atlas Wind to avoid intentional contact with hard substrate, rock outcroppings, seamounts, or deep-sea coral and sponge habitat during all aspects of the project, including sample collection.

Project vessels could adversely affect water quality and marine habitats through the accidental discharge of fuel or other chemicals during operation or transit. To help ensure this risk is minimized, **Special Condition 5** would require the applicant to submit an oil spill avoidance and response plan to the Executive Director for review which demonstrates that appropriate spill avoidance measures are implemented, and adequate spill response equipment is available for the worst-case spill scenario. **Special Condition 6** would also require Atlas Wind to implement an Executive Director-

approved Critical Operations and Curtailment Plan (COCP) that defines the limiting weather conditions that would hinder the safe operation of vessels or potential spill cleanup. Marine water quality effects could also result from the intentional or accidental release of sewage or bilge/ballast water or debris from project vessels. As such, **Special Condition 7** would require the implementation of a zero-discharge policy for all project vessels.

Conclusion

For the reasons discussed above, the Commission finds that the proposed project, as conditioned by **Special Conditions 1 through 7**, would be carried out in a manner that maintains marine resources, sustains the biological productivity and quality of coastal waters, protects against the spillage of hazardous substances into the marine environment, and is therefore consistent with Coastal Act Sections 30230, 30231, and 30232.

D. COMMERCIAL AND RECREATIONAL FISHING

Coastal Act Section 30234.5 states:

> The economic, commercial, and recreational importance of fishing activities shall be recognized and protected.

Commercial and recreational fishing are important components of the regional economy in San Luis Obispo County. The proposed project is located in an area used for commercial fishing, encompassing areas designated by the National Oceanic and Atmospheric Administration as Essential Fish Habitat (EFH) for the Pacific Coast Groundfish and Coastal Pelagic Species.[13] Based on landings data collected by the California Department of Fish and Wildlife, high value fisheries in the project area (Fishing Block 607) in 2023 included rockfish, groundfish, flatfish and crab.[14] Recreational fishing for a variety of fish species also occurs in the project vicinity. Consistency with Section 30234.5 of the Coastal Act requires that the proposed survey activities protect commercial and recreational fishing. In this case, that would be accomplished by avoiding damage to fish habitat, minimizing underwater noise that would be audible or damaging to marine wildlife (as described in section C of this report, above), and by minimizing the potential for interference with fishing activities.

Gear Interactions

The proposed project could adversely affect fishing through interactions between survey equipment and fishing gear. To help minimize potential adverse impacts to fishing activities, Atlas Wind would not request fishing activities to stop during survey activities and would not request that fishermen relocate gear placed in the project area. However, this would also mean that there is the potential that the survey vessel could

[13] https://www.habitat.noaa.gov/apps/efhmapper/?page=page_4&views=view_31

[14] https://wildlife.ca.gov/Conservation/Marine/Data-Management-Research/MFDE/Landings-Block

inadvertently snag fishing gear in the project area or in transit routes. The potential for interactions with fishing gear is greater when geophysical survey equipment is being towed because the tether from the equipment to the boat increases the underwater profile of the survey activity. Geophysical surveys that make use of autonomous underwater vehicles (AUVs)—such as those proposed by Atlas Wind—are less likely to entangle or interact with fishing gear because the AUV is untethered from the survey vessel and the AUV body is streamlined with few physical points that could catch fishing gear. The proposed geotechnical and benthic habitat samples would be collected from vertical deployments of sampling equipment and are unlikely to interact with fishing gear.

To minimize adverse effects to fishing from gear interactions, **Special Condition 1** includes minimization measures from the California State Lands Commission's Offshore Geophysical Permit Program that require the survey vessel to traverse the survey corridor prior to commencing survey operations and states that no survey line shall be conducted within 30 m of observed fishing gear. To further minimize potential impacts to fishing and fishing gear, Atlas Wind has also committed to hiring a local fisherman to be a fisheries representative on the survey vessel. The fisheries representative would monitor the survey area for active fishing vessels and fishing gear and communicate with any fishermen in the area over VHF radio. Additionally, Atlas Wind has proposed to contract with a local recreation fishing boat to be a scout vessel that would monitor the area around the survey vessel to further minimize fishing gear interactions. **Special Condition 8** would add to these protective measures by requiring Atlas Wind to recover any snagged fishing gear and lost survey gear to minimize debris that could become a hazard to subsequent fishing or survey activities. Additionally, Atlas Wind's Fisheries Liaison would provide advanced notification and regular updates to the fishing community about the timing and location of survey activities. Atlas Wind's protocols for communication can be found in its Fisheries Communication Plan (FCP) on its Mariners and Fisheries webpage.[15] The FCP details Atlas Wind's fishing gear loss prevention and claim procedure if there is gear loss or damage caused by Atlas Wind's survey activities.

Catch Rates

The proposed survey activities are unlikely to affect fishing catch rates. As discussed in the Marine Resources section (Section C of this report, above), the sound frequencies created by the high resolution geophysical (HRG) survey equipment proposed to be used are above the hearing range of the majority of fish species. Most fish can detect sound up to 2 kHz; a few fish species that are considered hearing specialists can detect sound up to 4 kHz.[16] Sound generated by the sub-bottom profiler (2 – 16 kHz) could

[15] Mariners & Fisheries - Atlas Wind

[16] Popper AN, Hawkins AD, Sisneros JA. Fish hearing "specialization" - a re-evaluation. Hearing Research. 2022 Nov;425:108393. DOI: 10.1016/j.heares.2021.108393. PMID: 34823877.

thus be detected by some fish. However, the potential exposure of fish to sound from the sub-bottom profiler would be brief because of its intermittent ping rate and narrow beam of sound. If a fish is exposed to the sound, and can hear the sound, it might alter its behavior—depending on the species and its activity at the time (e.g., foraging)—but any such behavioral changes would be of limited duration due to the limited amount of time exposure to survey sounds would occur. These sounds would extend outward a limited distance from the survey vessel/AUV within a narrow, directed band and would move through the ocean with the survey vessel/AUV at a speed of two to five knots, thus exposing particular areas and the wildlife within them for a very short time.

While acoustic induced injury to fish could potentially occur from intense, repeated exposure to low frequency (~10 – 100s of Hz) noise from activities like pile-driving and seismic airgun surveys, no such injury is expected from exposure to the high frequency sounds that would be produced during the proposed geophysical surveys (Personal communication, Dr. Arthur Popper).

Despite the body of work that suggests HRG surveys would not adversely effect fishing, Coastal Commission staff has received public comment that fishing catch decreases substantially during and after geophysical surveys. In addition to these general comments, staff received testimony from two fishermen fishing in unknown proximity to Atlas Wind's federal water survey area in the Morro Bay wind energy area. The fishermen stated that after one week of surveys, catch decreased up to 67% per unit effort of fishing. One fisherman presented data, in terms of total pounds landed and hours spent on the water, from three days in early April prior to surveys beginning and one day, April 24th, after the survey vessel had been on site for 6 days. The second fishermen provided total pounds landed for only April 24th. The pounds landed per unit effort on the 24th are lower than the pounds of fish landed per unit effort in early April.

However, without historical context and a large amount of additional data, it is impossible to determine if the differences in catch are attributable to the survey activities, or whether they are the result of natural variability, randomness or changes in ocean conditions. In other words, it is unclear whether early April days reported were simply "good" fishing days or whether April 24th was an anomalously poor fishing day. The fishermen reported that their general fishing area for all days reported was between Point Conception and Point Sur. One fisherman stated on April 24th, that he was approximately 10 miles away from Atlas Wind's survey vessel and the other fisherman reported seeing the survey vessel's lights at night. However, Commission staff have confirmed that Atlas Wind's survey vessel was in port in San Fransisco on April 24th. While Commission staff appreciates the concerns raised by local fishermen regarding the project's potential to adversely affect fishing catch rates, and welcomes all forms of public input that can help inform its analysis, in this case the information and data provided by the fishermen does not provide sufficient evidence that the differences in catch exceeded natural fishing catch variability, nor does it establish a significant correlation or causal relationship between the survey activities and reduced rates of fish catch.

To date, Commission staff are not aware of any scientific studies demonstrating adverse effects to fisheries from HRG surveys. Several studies have examined changes in fishing catch in relation to acoustic surveys, but these have focused specifically on seismic airgun surveys. Seismic airguns produce extremely high decibel sound at the low frequencies most audible to fish and marine wildlife and thus have the highest potential to adversely affect marine animals among the acoustic survey equipment types evaluated in the recent comparative study carried out by the U.S. Geological Survey (Ruppel et al. 2022). The available science also indicates that the effects of seismic airgun surveys on fishing catch rate are variable. Some studies documented decreased catch rates in and near the airgun survey area,[17] while other studies found that catch rate increased for some species and decreased for others after seismic airgun surveys.[18] As discussed previously, the HRG survey equipment proposed for use by Atlas Wind has far less potential than seismic airguns to be heard by fish or affect their health and behavior. Rather, the proposed types of HRG survey equipment have acoustic profiles similar to the echosounders, fish finders and depth finders frequently used by fishermen and researchers to map and track fish abundance and distribution (see reference Footnote 9).

Offshore Wind and Fisheries Working Group

The California Offshore Wind and Fisheries Working Group (Working Group) is tasked with developing and completing a statewide strategy on or before January 1, 2026, to avoid, minimize and mitigate adverse impacts to fishing and fisheries from offshore wind development, prioritizing fisheries productivity and long-term resilience. The Working Group was formed in response to Condition 7c of the Commission's conditional concurrences with the consistency determinations the Bureau of Ocean Energy Management submitted for offshore wind area lease sales and subsequent survey and site assessment activities (Consistency Determination Nos. CD-0004-22 and CD-0001-22). The Working Group was codified, and its tasks refined, by State Senate Bill (SB) 286 (McGuire 2023), which created section 30616 of the Coastal Act. Working Group membership includes commercial and recreational fishermen, offshore wind leaseholders, and representatives of California Native American Tribes. State and federal agency staff support the Working Group as expert advisors. The working group has spent many hours meeting together since its first meeting in December 2023 both in full working group meetings and in smaller subgroups to draft and discuss the required components of the statewide strategy.

An important component of the statewide strategy detailed in SB 286 is the development of a Best Practices for Surveys and Data Collection document that

[17] Engas, Arill & Lokkeborg, Svein & Ona, Egil & Vold, Aud. (1996). Effects of seismic shooting on local abundance and catch rates of cod (Gadus morhua) and haddock (Melanogrammus aeglefinus). Canadian Journal of Fisheries and Aquatic Sciences. 53. 2238-2249. 10.1139/f96-177.

[18] Bruce, Barry, et al. "Quantifying fish behaviour and commercial catch rates in relation to a marine seismic survey." Marine environmental research 140 (2018): 18-30.

identifies measures to minimize the potential for adverse effects to commercial and recreational fisheries during survey activities. Atlas Wind has actively contributed to discussions and the work to create a draft of this document. Consistent with SB 286, a final version of the Best Practices for Surveys and Data Collection document will be presented to the Commission in 2026 as part of the statewide strategy which the Commission will have the opportunity to review, modify and adopt. While the final version of Best Practices for Surveys and Data Collection is forthcoming, Atlas Wind has actively incorporated key best practices from the current version drafted by the Working Group into its survey plans. For example, Atlas Wind has committed to not conducting surveys during important fisheries season openings and to increasing the frequency of survey updates to fishermen through multiple communication platforms.

Conclusion

The Commission finds that, as conditioned by **Special Conditions 1 and 8**, the proposed project would not adversely impact the economic, commercial and recreational importance of fishing and is thus consistent with Coastal Act Section 30234.5.

E. CULTURAL RESOURCES

Coastal Act Section 30244 states:

> Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.

Coastal Act Section 30604(h) states:

> When acting on a coastal development permit, the issuing agency, or the commission on appeal, may consider environmental justice, or the equitable distribution of environmental benefits throughout the state.

Project activities, including seafloor disturbance during the collection of sediment cores and samples, could potentially disturb or damage shipwrecks, archeological and paleontological resources, or Native American artifacts by destroying previously unrecorded resources or disrupting the site such that the resource's historic or archaeological context is altered adversely. The Commission invited tribes to consult on the project, as described under the "tribal outreach and consultation" heading in Section B of this report above.

The proposed geophysical survey would provide high resolution benthic maps that will inform Atlas Wind of previously unknown archaeological or cultural resources in the study area and provide data for the Marine Archaeological Resources Assessment. Geotechnical and benthic habitat samples would avoid identified cultural resources with a minimum buffer of 50 m. The discovery of any cultural resources would be

communicated to the Executive Director and Tribes with historic connection to the survey area through **Special Condition 9.**

The Commission finds that based on these factors and with the above-referenced measures, the project would not adversely impact archaeological, paleontological, or tribal cultural resources and is therefore consistent with Section 30244 of the Coastal Act as well as the principles articulated in the Commission's Tribal Consultation Policy.

F. DREDGING OF COASTAL WATERS

Coastal Act Section 30233 states:

(a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:

(1) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.

(2) Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.

(3) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities.

(4) Incidental public service purposes, including, but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.

(5) Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.

(6) Restoration purposes.

(7) Nature study, aquaculture, or similar resource-dependent activities.

(b) Dredging and spoils disposal shall be planned and carried out to avoid significant disruption to marine and wildlife habitats and water circulation. Dredge spoils suitable for beach replenishment should be transported for these purposes to appropriate beaches or into suitable longshore current systems.

The proposed project would include the removal of a limited amount of seafloor sediment in order to "ground truth" and confirm the results of the acoustic survey

results. Specifically, Atlas Wind proposes to collect a total of 11 vibracores, 11 piston cores, and two sediment grab samples. If a core does not meet its target depth, an additional sampling attempt may be tried in a slightly offset location.

The vibracore would collect 4-inch diameter, 6 meter (m) vertical sediment cores, the piston core would collect 3.3-inch diameter, 20 m vertical sediment cores, and the sediment grab would collect the top 2 to 4 inches of sediment from a one square foot area. In total, approximately 2.35 cubic yards (CY) of sediment would be removed during the combined geotechnical and benthic sampling surveys. The total area of seabed contact during sampling is anticipated to be 845.2 square feet, based on the footprint and number of samples collected by each instrument.

The proposed collection of seafloor sediment described above is considered “dredging” of open coastal waters and is only allowable under the Coastal Act if three separate tests are met, each of which is described in Section 30233(a) of the Coastal Act.

Nature Study and other Resource-Dependent Activities

The first test for a proposed project involving dredging in open coastal waters is whether the dredging is for one of the seven allowable uses under Section 30233(a). The proposed project objective is to conduct “Nature study…or similar resource-dependent activities,” which is identified as an allowable use under Section 30233(a)(7).The purpose of the proposed sediment core and grab samples is to study the seafloor geology within the survey area, to gain a better understanding of the composition and characteristics of the benthic sediments and habitat, and to ground truth and confirm the results of the acoustic mapping efforts. The maps would include information about substrate and sediment type, and the location of potentially sensitive marine resources that the future cable routes should avoid, such as archeological and cultural resources, rocky reefs, and consolidated hard bottom habitat. This understanding and study cannot be accomplished without direct sampling and collection of the seafloor sediments and is thus resource-dependent. The proposed project therefore fits under one of the allowable uses of Section 30233 and satisfies the first of its three tests.

Alternatives

The second test for a proposed project involving fill is that “there is no feasible less environmentally damaging alternative.” To analyze the project’s conformance with this test, Commission staff and Atlas Wind evaluated several potential alternatives to the proposed collection of seafloor sediment samples. These alternatives included assessing the sediment geology through visual observations using divers or remotely operated vehicles and the use of different types of sampling equipment.

The first of these alternatives was determined to be infeasible because visual observations of surface sediments alone would not provide an accurate representation of subsurface geology and benthic habitat. The proposed core samples would include collection of materials from up to 20 meters below the sediment surface, and at these depths, the geology and sediment characteristics may deviate significantly from what is

indicated by surface layers. While Atlas Wind would make use of visual observations to the extent possible to refine and limit the extent of benthic sampling efforts, some direct sampling would nevertheless be necessary to provide the information and understanding of seafloor geology and habitat it is seeking.

Other types of sediment sampling equipment, including different methods of dredging such as hydraulic suction dredging, were also considered but similarly rejected as infeasible or having more environmentally damaging effects on marine resources. Other larger types of dredging equipment would either not provide the resolution and stratification of samples needed to accurately assess seafloor geology and habitat within the survey area or would result in the removal of substantially larger volumes of sediment, which would have more adverse effects on marine resources, such as entrainment or impingement of marine organisms. The use of larger dredging equipment could also result in dispersal of turbidity plumes, injury or mortality to more marine organisms, and/or greater risks of spills or marine wildlife entanglement.

Therefore, the Commission finds that the proposed project is the least environmentally damaging feasible alternative and meets the second test of Coastal Act Section 30233(a).

Mitigation Measures

The third and final test for a proposed project involving dredging is that “feasible mitigation measures have been provided to minimize adverse environmental effects.” The Marine Resources and Water Quality Section of this report above describes feasible mitigation measures that would require Atlas Wind to: avoid all hard bottom substrates and sensitive seafloor habitats during sediment geotechnical and benthic sampling, and avoid intentional contact with hard substrate seafloor (**Special Condition 4**); submit and implement Oil Spill Avoidance and Response and Critical Operations and Curtailment plans to minimize the risk of spills of hazardous substances and ensure an effective spill response **(Special Conditions 5 and 6**); and prohibit the discharge of sewage, bilge, ballast water or debris from project vessels (**Special Condition 7**).

With the inclusion of these mitigation measures and the ten Special Conditions, the Commission finds that the third test of Coastal Act Section 30233(a) has been met.

Conclusion

With these measures, the Commission concludes that the project is consistent with the dredging policy of the Coastal Act because it: (1) is an allowable use under and otherwise complies with Section 30233(a); (2) there is no less damaging feasible alternative; and (3) contains monitoring and mitigation measures adequate to minimize adverse environmental effects. The Commission therefore finds the proposed project consistent with Section 30233 of the Coastal Act.

G. California Environmental Quality Act

The Commission is the responsible agency under the California Environmental Quality Act (CEQA), while the CSLC is the lead agency for this project. In its role as the responsible agency, section 13096 of the Commission's Code of Regulations requires Commission approval of coastal development permits to be supported by a finding showing the permit, as conditioned, to be consistent with any applicable requirements of CEQA. Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment. The Commission's regulatory program for reviewing and granting CDPs has been certified by the Resources Secretary to be the functional equivalent of environmental review under CEQA (14 CCR § 15251(c).) The Commission incorporates its findings, above, on the project's Coastal Act consistency as if set forth in full in this CEQA section of the report. As discussed in the findings, the project as conditioned incorporates mitigation measures necessary to avoid any significant adverse environmental effects, and there are no less environmentally damaging feasible alternatives or mitigation measures. Therefore, the Commission finds that the proposed project, as conditioned, is the least environmentally damaging feasible alternative, has no remaining significant environmental effects, either individual or cumulative, and complies with the applicable requirements of the Coastal Act to conform to CEQA.

Outlook

Re: Location for Offshore Wind HVDC cable shore-landing protected by SLO Land Conservancy

From mbcfo member <mbcfo1972@gmail.com>
Date Mon 03/10/2025 09:54 AM
To McNair, Heather@Coastal <Heather.McNair@coastal.ca.gov>

Dear Ms. McNair,

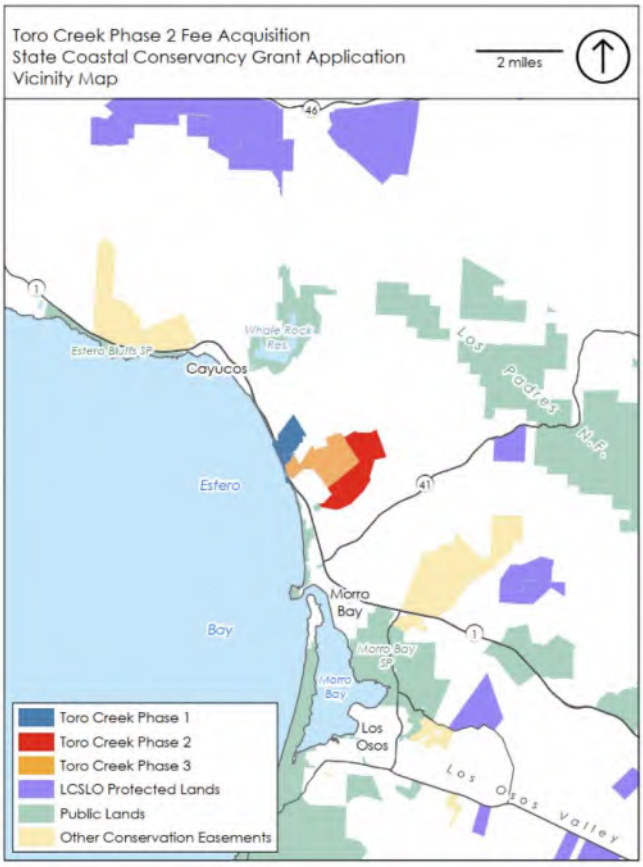
What about the Equinor/ Atlas Wind CDP for Site Survey's in and around that area? The Coastal Commission is allowing site surveys for landing high voltage cables in an illegal area, is this going to be recognized and appropriate changes made to the CDP?

Regards,

Tom Hafer

> On Mar 10, 2025, at 9:23 AM, McNair, Heather@Coastal <Heather.McNair@coastal.ca.gov> wrote:
>
> Dear Mr. Hafer,
>
> Thank you for your email and information regarding the San Luis Obispo Land Conservancy's purchase. We'll place your email in our files for future reference in the event we receive CDP applications for development in or around that area.
>
> Regards,
> Heather McNair
>
> ---
>
> **From:** mbcfo member <mbcfo1972@gmail.com>
> **Sent:** Friday, March 7, 2025 7:53 AM
> **To:** Doug Boren <douglas.boren@boem.gov>; Andrea Chmelik <Andrea.Chmelik@asm.ca.gov>; Dobroski, Nicole@SLC <Nicole.Dobroski@slc.ca.gov>; Eckerle, Jenn@CNRA <Jenn.Eckerle@resources.ca.gov>; FGC <fgc@fgc.ca.gov>; Flint, Scott@Energy <Scott.Flint@energy.ca.gov>; Bruce Gibson <bgibson@co.slo.ca.us>; Greg Haas <greg.haas@mail.house.gov>; Harland, Eli@Energy <Eli.Harland@energy.ca.gov>; Kalua, Kaitlyn@CNRA <Kaitlyn.Kalua@resources.ca.gov>; Kato, Grace@SLC <Grace.Kato@slc.ca.gov>; Zara Landrum <zlandrum@morrobayca.gov>; Lucchesi, Jennifer@DOC <Jennifer.Lucchesi@conservation.ca.gov>; Robert Mazurek <robert@californiamsf.org>; McNair, Heather@Coastal <Heather.McNair@coastal.ca.gov>; Deanna Meier <Deanna.Meier@boem.gov>; Jennifer Miller <jennifer.miller@boem.gov>; Miller-Henson, Melissa [redacted] <[redacted]>; Michael Milstein <michael.milstein@noaa.gov>; Payne, Elizabeth@Waterboards <Elizabeth.Payne@waterboards.ca.gov>; Reece, Elizabeth@Waterboards <Elizabeth.Reece@Waterboards.ca.gov>; John Romero <john.romero@boem.gov>; Street, Joseph@Coastal <Joseph.Street@coastal.ca.gov>; Clint Weirick <clint.weirick@sen.ca.gov>; Carla Wixom <cwixom@morrobayca.gov>; Susan Zaleski <Susan.Zaleski@boem.gov>; Nancy Hann <nancy.hann@noaa.gov>
> **Subject:** Location for Offshore Wind HVDC cable shore-landing protected by SLO Land Conservancy
>
> Dear California Coastal Commission (CCC),
>
> We just found out this last week in a Newspaper article that the San Luis Obispo Land Conservancy is purchasing the "Chevron property" which is located between Cayucos and Morro Bay. The area is called Toro Creek County Park. It is being purchased in phases. The first phase (in Blue) was purchased in 2020. The second phase (in Red) was just purchase in February 2025. Here is a picture of the project from the State Coastal Conservancy Grant Application in 2023:

Exhibit 1: Project Maps



Map of project location north of Morro Bay showing surrounding protected lands

Note page 3 the second paragraph states: **"The proposed acquisition will permanently prohibit all future** residential and **commercial development** and **protect water resources and habitats within the Toro Creek and Alva Paul watersheds"**

The CCC staff report regarding Atlas Wind's CDP July 12, 2024 approval for site surveys did not acknowledge the existence of these land conservancy protections located inside the area planned for installing multiple high voltage DC cables.

Note the map on page 12 of the CCC staff report showing the permitted area for Atlas Wind to do site survey work. The mapping is all being done with the intention of installing cables between Cayucos and Morro Bay - inside the protected coastal area owned by a Land Conservancy.

9-24-0411 (Atlas Wind US LLC)

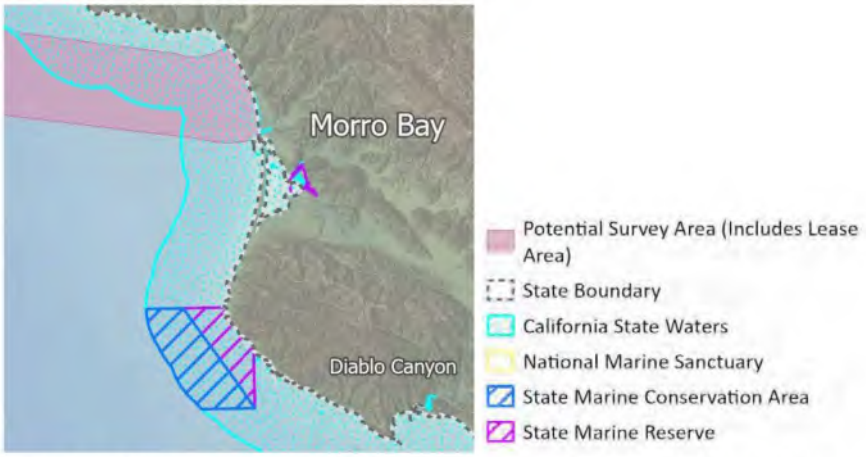


Figure 1 Map of Morro Bay showing Atlas Wind's proposed survey area, where the pink and blue dotted layers overlap, area in California State waters

This is from the Atlas Wind CDP application:

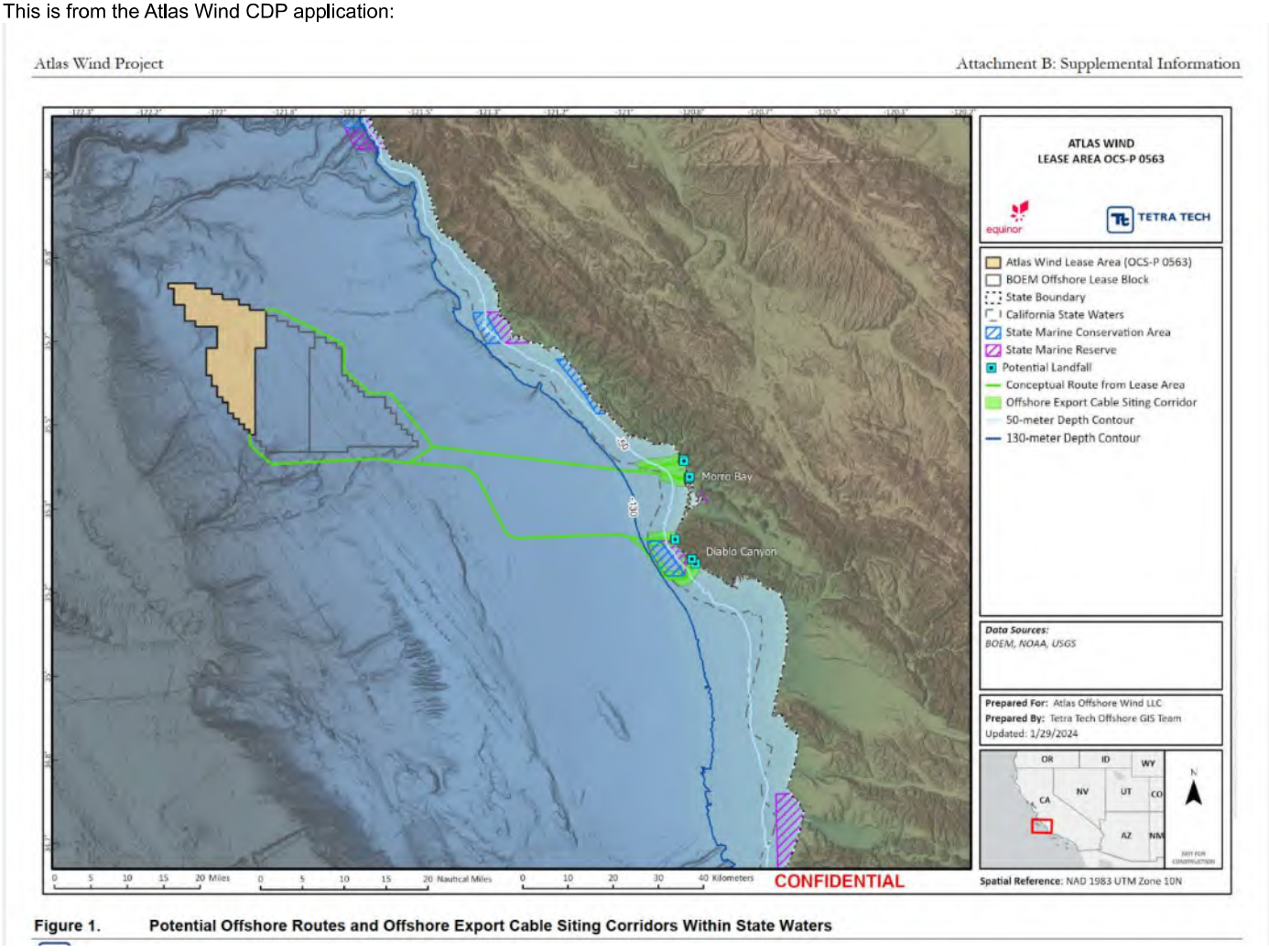


Figure 1. Potential Offshore Routes and Offshore Export Cable Siting Corridors Within State Waters

This seems to be an issue that needs to be resolved before site surveys in State Waters should commence. There are problems going directly into Diablo Power Plant as well. As you know, high resolution mapping and high voltage cable installation near Point Buchon State Marine Protected Area is not permitted.

A response would be appreciated.

Tom Hafer
President MBCFO

(805) 610-2072
mbcfo1972@gmail.com

Outlook

Offshore Wind High Voltage Cable Landing Site between Morro Bay and Cayucos protected by "Irrevocable Restrictive Covenants"

From mbcfo member <mbcfo1972@gmail.com>

Date Thu 03/27/2025 08:31 AM

To McNair, Heather@Coastal <Heather.McNair@coastal.ca.gov>

Cc Doug Boren <douglas.boren@boem.gov>; CentralCoast@Coastal <CentralCoast@coastal.ca.gov>; Andrea Chmelik <Andrea.Chmelik@asm.ca.gov>; Dr. Justin Cummings <Justin.Cummings@coastal.ca.gov>; Dobroski, Nicole@SLC <Nicole.Dobroski@slc.ca.gov>; Eckerle, Jenn@CNRA <Jenn.Eckerle@resources.ca.gov>; Executive Officer of SLC <ExecutiveOfficer.Public@slc.ca.gov>; ExecutiveStaff@Coastal <ExecutiveStaff@coastal.ca.gov>; FGC <FGC@fgc.ca.gov>; Flint, Scott@Energy <Scott.Flint@energy.ca.gov>; bgibson@co.slo.ca.us <bgibson@co.slo.ca.us>; Greg Haas <greg.haas@mail.house.gov>; Nancy Hann <nancy.hann@noaa.gov>; Harland, Eli@Energy <Eli.Harland@energy.ca.gov>; Dr. Caryl Hart <Caryl.Hart@coastal.ca.gov>; Gonzalez, Kathleen@Waterboards <Kathleen.Gonzalez@Waterboards.ca.gov>; Huckelbridge, Kate@Coastal <Kate.Huckelbridge@coastal.ca.gov>; Kalua, Kaitlyn@CNRA <Kaitlyn.Kalua@resources.ca.gov>; Kato, Grace@SLC <Grace.Kato@slc.ca.gov>; Zara Landrum <zlandrum@morrobayca.gov>

Tom Hafer
Secretary MBCFO
(805) 610-2072
mbcfo1972@gmail.com

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1515 Clay Street, Suite 1000
Oakland, CA 94612
Attn: Legal Counsel (JG)
Project: Toro Creek, Dog Beach

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IRREVOCABLE OFFER TO DEDICATE TITLE IN FEE AND DECLARATION OF RESTRICTIVE COVENANTS

Dog Beach Property San Luis Obispo County, California

This **IRREVOCABLE OFFER TO DEDICATE TITLE IN FEE AND DECLARATION OF RESTRICTIVE COVENANTS** ("**Offer and Declaration**") is made this 12th day of Oct. 2021, by the City of Morro Bay, a municipal corporation organized and existing under the laws of the State of California ("**Offeror**") to the State of California, acting by and through the California State Coastal Conservancy Conservancy ("**Conservancy**").

Pertinent Facts:

A. Offeror is the legal owner of the fee interest in real property commonly known as Dog Beach (County Assessor's Parcel No. 073-092-0515 and a portion of APN 065-022-008) in the County of San Luis Obispo legally described in Exhibit A attached hereto and incorporated herein by reference ("**Real Property**") and conveyed to Offeror under the grant deed recorded concurrently with this Offer and Declaration.

B. Offeror is a municipal corporation organized and existing under the laws of the State of California.

C. Offeror purchased the Real Property using funds provided in part by the California State Coastal Conservancy provided under Division 21 of the California Public Resources Code for grants to public entities for the acquisition of Real Property; and under unrecorded Grant Agreement No.19-131 ("**Grant Agreement**") between Offeror and the Conservancy, a copy of which is maintained in the offices of the Conservancy and Offeror. Specifically, the Conservancy provided funds the Water Quality, Supply, and Infrastructure Improvement Act of 2014 (Proposition 1) (hereinafter the "**Bond Act** "), adopted by the voters of California in November 2014, which authorizes the acquisition of real property to restore important species and habitat, protect water quality and develop a more resilient and sustainably managed water system, and the Habitat Conservation Fund ("**HCF**"), which was created by the California Wildlife Protection Act of 1990. HCF funds may be used for the acquisition, restoration, or enhancement of aquatic habitat for spawning and rearing of anadromous salmonids and riparian habitat. Acquisition of the subject property will serve to protect sensitive habitat for the federally threatened south-central California coast steelhead trout and will restore riparian habitat for the California red-legged frog and the federally endangered tidewater goby.

YOUR COPY

D. The Grant Agreement requires that Offeror permanently dedicate the Real Property for specified purposes.

E. Offeror is executing this Offer and Declaration to comply with the Grant Agreement and to protect the public's interest in the Real Property acquired with the assistance of the Bond Act.

F. Offeror intends through this Offer and Declaration to bind itself and its assigns and successors in interest.

OFFEROR HEREBY IRREVOCABLY OFFERS TO DEDICATE fee title to the Real Property to Conservancy, and agrees to the restrictions on the use, encumbrance and transfer or conveyance of the Real Property, as follows, in light of the Pertinent Facts above (which are incorporated herein), and in consideration of the Conservancy's grant to Offeror for the acquisition of the Real Property and the preservation of the public's interest in the Real Property.

1. **OFFER TO DEDICATE FEE TITLE.** As of recordation of this Offer and Dedication in the Official Records of San Luis Obispo County ("**Effective Date**"), Offeror irrevocably offers to dedicate fee title to the Real Property to Conservancy and agrees to the covenants and restrictions on the use, encumbrance and transfer or conveyance of the Real Property in consideration of the funds provided to Offeror by the Grant Agreement for the acquisition of the Real Property and the preservation of the public's interest in the Real Property.

   a. **TERMS OF ACCEPTANCE.** This Offer and Declaration made by Offeror may be accepted only if Conservancy finds that the existence of Offeror has terminated or that termination of the existence of Offeror is imminent; or that Offeror or its successor in interest in the Real Property has violated one or more of the Restrictions (as defined below) set forth in this Offer and Declaration with respect to the Real Property, or any portion of it or interest in it.

   In addition, the Conservancy may accept this Offer and Dedication when the Real Property is under threat of condemnation or condemnation proceedings have been initiated. Condemnation means a permanent taking through the exercise of any government power (by legal proceedings or otherwise) by any party having the right of eminent domain ("**Condemnor**"); or through a voluntary sale or transfer by Offeror to any Condemnor, either under threat of exercise of eminent domain by a Condemnor or while legal proceedings for eminent domain are pending. If the Conservancy or its designee ("**Accepting Party**") accepts the Offer and Declaration due to threat of condemnation or initiation of condemnation proceedings and receives proceeds following condemnation, the Accepting Party shall distribute a proportionate share to Offeror. If an Accepting Party accepts the Offer and Declaration due to threat or initiation of condemnation, and condemnation does not occur, then the Accepting Party shall convey the Real Property to Offeror, unless the Accepting Party and Offeror otherwise agree in writing.

   b. **PROCESS FOR ACCEPTANCE.** Upon a finding by the Conservancy, following written notice and a reasonable opportunity to cure, that (i) any of the restrictive covenants set forth in the Offer and Declaration has been violated; or (ii) the existence of Offeror has terminated for any reason prior to a transfer of the Real Property in compliance with the Offer; or (iii) the Real Property is under threat of condemnation or condemnation proceedings have been

initiated, the Conservancy or another public agency or a nonprofit organization designated by the Conservancy and which has agreed to accept the obligations of Offeror may accept the Offer and Declaration made by Offeror in accordance with law, by recording in the Official Records of San Luis Obispo County a Certificate of Acceptance substantially in the form of Exhibit B, attached to this Offer and Dedication ("**Certificate of Acceptance**").

c. **RECORDATION OF CERTIFICATE OF ACCEPTANCE.** This Offer and Declaration is irrevocable and coupled with an interest, and upon recordation of the Certificate of Acceptance, this Offer and Declaration shall have the effect of a grant of the Real Property to the State of California or other accepting entity designated by the Conservancy having executed a substantially similar acceptance as provided in this Offer and Dedication.

2. **DECLARATION OF RESTRICTIVE COVENANTS.** Offeror declares and covenants that the Real Property shall be held, conveyed, mortgaged, encumbered, leased, rented, used, occupied, sold and improved subject to the following covenants and restrictions ("**Restrictions**"):

a. **USE OF THE REAL PROPERTY.** The Real Property shall be used solely for the purposes of protection of open space, wildlife habitat, water quality and water supply and to provide public access consistent with these purposes (collectively, the "**Acquisition Purposes**"). No use of the Real Property inconsistent with the Acquisition Purposes is permitted. No development (as defined in California Public Resources Code Section 30106) shall be undertaken on the Real Property except development for and in furtherance of the Acquisition Purposes or for prudent and reasonable management and stewardship of the Property (such as development necessary to address hazards or avoidance of injury, or other similar activities).

The Real Property shall be used, managed, operated and maintained as provided in this Offer and Dedication, the Grant Agreement and consistent with the Bond Act and the Acquisition Purposes.

b. **USE OF THE REAL PROPERTY AS SECURITY FOR DEBT.** The Real Property shall not be used as security for any debt without the written approval of the Executive Officer of the Conservancy ("**Executive Officer**").

c. **TRANSFER OF THE REAL PROPERTY.** Any transfer of the Real Property, or portion of or interest in it, is subject to the prior written approval of the Executive Officer. The transferee (including any party accepting title to the Real Property pursuant to Section 1 above), shall be subject to all provisions of this Offer and Dedication, including, without limitation, the Restrictions. If the Conservancy deems necessary, prior to the approval of any transfer of the Real Property, the transferee and the Conservancy shall enter into a new agreement sufficient to protect the interest of the people of California.

d. **MITIGATION.** The Real Property shall not be used for mitigation (in other words, to compensate for adverse changes to the environment outside the boundaries of the Real Property) without the written permission of the Executive Officer. In providing permission, the Executive Officer may require that funds generated in connection with any authorized or allowable mitigation on the Real Property will be promptly remitted to the Conservancy.

e. **CONDEMNATION**. If the Real Property is under threat of condemnation or has been condemned (as defined in Section 1.a above), Offeror shall promptly notify the Conservancy in writing, shall assert any applicable presumption regarding the use of the Real Property for the Acquisition Purposes as the highest and best use under Public Resources Code §5542.5(a), Code of Civil Procedure §1240.680 or any successor, subsequent or other legislation, and shall use its best efforts to obtain the maximum compensation possible. Upon receiving condemnation proceeds, Offeror shall promptly pay to the Conservancy a percentage of the condemnation proceeds, after deducting reasonable costs in defending the condemnation, equivalent to the respective percentage of the total acquisition cost originally contributed by the Conservancy.

f. **USE OF THE PROPERTY FOR THE CALIFORNIA COASTAL TRAIL**. On request of the Conservancy, Offeror shall permit alignment, designation or development of a segment of the California Coastal Trail ("**Trail**") on the Real Property, including the placement and maintenance of related signage, and, through an instrument acceptable to the Executive Officer, shall permanently dedicate the necessary portion of the Real Property for use as a segment of the Trail, as aligned.

3. **BASELINE DOCUMENTATION AND MANAGEMENT PLAN**. The parties acknowledge the need to document the natural and other physical attributes of the Real Property in an inventory of such attributes in a Baseline Documentation Report and Site Map ("**Baseline Report**") and the need to develop and implement a Management ("**Management Plan**") for the Real Property.

a. The Baseline Report was prepared by Offeror's partner, the Land Conservancy of San Luis Obispo County, and is approved by Offeror and Conservancy as reflecting the baseline natural resource conditions of the Real Property. Offeror and Conservancy each have retained a copy of the Baseline Report. The parties agree that the Baseline Report contains an accurate representation of the conservation values of the Real Property at the time that the Offer and Declaration is recorded, and is intended to serve as an objective, though non-exclusive, information baseline for monitoring compliance with the terms of the Offer. The foregoing notwithstanding, if a dispute arises with respect to the nature and extent of the physical or biological condition of the Real Property, the parties shall not be foreclosed from utilizing any and all other relevant documents, surveys, or other evidence or information to assist in the resolution of the dispute.

b. Offeror shall develop a Management Plan within three (3) years of the date of acquisition of the Real Property. The Management Plan shall identify the resource management and public access goals and shall serve as a guide to adaptively manage the property, utilizing best management practices to achieve the Acquisition Purposes. All management activities on the Real Property shall be conducted in a manner that is consistent with the Acquisition Purposes and shall ensure that public use does not materially impair or interfere with the natural and scenic resources identified in the Baseline Report. The Management Plan and any future updates or amendments will be subject to review and approval by Conservancy and will be approved by the Conservancy if consistent with the Acquisition Purposes.

4. **MONITORING AND INSPECTION OF THE PROPERTY**. Offeror shall comply with the Conservancy's requests for information regarding Offeror's compliance with the restrictive

covenants and essential terms of this Offer and Declaration ("**Monitoring Information**"). The Conservancy has the discretion to determine when and what Monitoring Information to request. Unless directed otherwise by the Conservancy, Offeror shall, in the manner specified by the Conservancy, return written responses to the Conservancy within sixty (60) days of Offeror's receipt of a request for Monitoring Information. Offeror shall inspect the Real Property regularly and take other actions as necessary to ensure that Monitoring Information is accurate.

5. **REMEDIES NOT EXCLUSIVE**. The remedies set forth in this Offer and Declaration are in addition to, and are not intended to displace, any other remedy available to the Conservancy by common law or any applicable local, state or federal law.

6. **BENEFIT AND BURDEN**. This Offer and Declaration shall run with and burden the Real Property. All obligations, terms, conditions, and restrictions imposed by this Offer and Declaration shall be deemed covenants and restrictions running with the land, shall be effective limitations on the use of the Real Property from the Effective Date, and shall bind the Offeror and all its successors and assigns. This Offer and Declaration shall benefit the State of California.

7. **SUCCESSORS AND ASSIGNS**. The provisions of this Offer and Declaration shall bind and inure to the benefit of the successors and assigns of both Offeror and Conservancy, whether voluntary or involuntary.

8. **CONSTRUCTION OF VALIDITY**. If a court in a final determination holds any provision of this Offer and Declaration invalid, or if, for any other reason it becomes unenforceable, no other provision shall be affected.

9. **AMENDMENT**. No change in this Offer and Declaration shall be valid unless made in writing, signed by the Offeror and Conservancy, and recorded in the Official Records of San Luis Obispo County, California.

10. **TERM**. This Offer and Declaration is irrevocable (except to the extent provided to the contrary in Section 2(c) above), and upon recordation of the Certificate of Acceptance, this Offer and Declaration shall have the effect of a grant of the Real Property to the State of California (or other accepting entity designated by the Conservancy and having executed a substantially similar Certificate of Acceptance), as provided in this Offer and Dedication.

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IN WITNESS WHEREOF, Offeror has executed this Offer and Dedication as of the day and year first above written.

CITY:

CITY OF MORRO BAY,
a municipal corporation

By: _____
John Headding, Mayor

APPROVED AS TO FORM:

ALESHIRE & WYNDER, LLP

By: Chris Neumeyer by HG
Chrisopher Neumeyer, City Attorney

ATTEST:

Heather Goodwin Deputy City Clerk for
Dana Swanson, City Clerk Heather Goodwin

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of San Luis Obispo)

On October 5, 2021 before me, Heather Suzanne Goodwin, Notary Public
(insert name and title of the officer)

personally appeared John Headding,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

HEATHER SUZANNE GOODWIN
Notary Public - California
San Luis Obispo County
Commission # 2359219
My Comm. Expires Jun 21, 2025

Signature Heather Suzanne Goodwin (Seal)

EXHIBIT A

LEGAL DESCRIPTION OF REAL PROPERTY

That certain real property in the City of Morro Bay, County of San Luis Obispo, State of California, legally described as follows:

PARCEL 1 - Lot 6SW (PORTION OF 065-022-008 AND ALL OF 073-075-016)

That portion of the land described in Certificate of Compliances recorded November 2, 2012 in Document No. 2012063818 and Document No. 2012063819 in the County Recorder's Office, County of San Luis Obispo, State of California. described as follows:

Beginning at the intersection of the westerly line of the land described in the grant deed to the State of California recorded in Book 1090 at Page 258 of Official Records in the County Recorder's Office of said County (State Highway One) with the southerly line of Lot 31 according to the map of the subdivision of said Rancho filed in Book A of Maps at Page 160 of Maps in the County Recorder's Office of said County; thence northerly along said westerly line to a point being North 11°23'26" West, a distance of 612.98 feet from the southerly terminus of the line described as Course No. 4 (North 11°23'26" West, 817.99 feet) in said grant deed to the State of California; thence leaving said westerly line, South 78°36'34" West, a distance of 187.20 feet more or less to the mean high water line of Estero Bay; thence, Southerly along said mean high water line to the southwest corner of said Lot 31; thence, northeasterly along the southerly line of said Lot 31 to the Point of Beginning.

EXCEPTING THEREFROM, its successive owners and assigns, together with the right to grant and transfer all or a portion of same to the extent reserved by Chevron Land and Development Company pursuant to certain Grant Deed recorded on September 17, 2019 as Instrument No. 2019039329 as follows:

To the extent owned by Grantor on the date hereof, all minerals, unprocessed, oil, gas, petroleum, other hydrocarbon substances and geothermal resources in or under or which may be produced from the Property and the perpetual right of exploring and prospecting for, and developing, producing, extracting, and taking said minerals, unprocessed oil, gas, petroleum, other hydrocarbon substances and geothermal resources from the Property by means of mines, shafts, tunnels, wells, derricks or other equipment from surface locations on adjoining or neighboring land or lying outside of the Property, including the right to whipstock or directionally drill and mine from lands other than the Property, and to bottom such whipstocked or directionally drilled wells, tunnels and shafts under and beneath or beyond the exterior limits of the Property, and to redrill, retunnel, equip, maintain, repair, deepen and operate any such wells or mines, it being understood, however, that the owner of such minerals, unprocessed oil, gas, petroleum, other hydrocarbon substances and geothermal resources, as set forth above, shall have no right to enter upon the surface of the Property nor to use any of the Property or any portion thereof above a plane parallel to and 500 feet below the surface of the Property for any of the purposes specified herein, as reserved by Chevron Pipe Line Company, a Delaware corporation in deed recorded August 15, 2019 as Instrument No. 2019-033391 of Official Records.

PARCEL 2: Lot 6NW (PORTION OF APN 065-022-008)

That portion of the land described in Certificate of Compliance's recorded November 2, 2012 in Document No. 2012-063818 and Document No. 2012-063819 in the County Recorder's Office, County of San Luis Obispo, State of California, described as follows:

Beginning at a point on the westerly line of the land described in the grant deeds to the State of California recorded in Book 1090 at Page 258 of Official Records and Book 1090 at Page 263 of Official

Records in the County Recorder's Office of said County (State Highway One) being an arc distance of 696.64 feet from the northerly terminus of the curve described as Course No. 9 (curve to the left with a radius of 4879 feet through an angle of 11°45'32" for a distance of 1001.32 feet) in said grant deeds to the State of California;
thence, Leaving said westerly line, South 80°34'29" West, a distance of 26.67 feet;
thence, North 73°38'47" West, a distance of 36.70 feet;
thence, North 38°30'11" West a distance of 75.80 feet;
thence, North 80°39'34" West, a distance of 95.2l feet;
thence, South 72°39'00" West a distance of 106.64 feet more or less to the mean high water line of Estero Bay:
thence, Northerly along said mean high water line to the intersection with the westerly prolongation of the centerline of Toro Creek Road (County Road);
thence, Easterly along said centerline prolongation to the westerly line of the land described in said grant deeds to the State of California;
thence, Southerly along said westerly line to the Point of Beginning.

EXCEPTING THEREFROM, its successive owners and assigns, together with the right to grant and transfer all or a portion of same to the extent reserved by Chevron Land and Development Company pursuant to certain Grant Deed recorded on September 17, 2019 as Instrument No. 2019039327 as follows:

To the extent owned by Grantor on the date hereof, all minerals, unprocessed, oil, gas, petroleum, other hydrocarbon substances and geothermal resources in or under or which may be produced from the Property and the perpetual right of exploring and prospecting for, and developing, producing, extracting, and taking said minerals, unprocessed oil, gas, petroleum, other hydrocarbon substances and geothermal resources from the Property by means of mines, shafts, tunnels, wells, derricks or other equipment from surface locations on adjoining or neighboring land or lying outside of the Property, including the right to whipstock or directionally drill and mine from lands other than the Property, and to bottom such whipstocked or directionally drilled wells, tunnels and shafts under and beneath or beyond the exterior limits of the Property, and to redrill, retunnel, equip, maintain, repair, deepen and operate any such wells or mines, it being understood, however, that the owner of such minerals, unprocessed oil, gas, petroleum, other hydrocarbon substances and geothermal resources, as set forth above, shall have no right to enter upon the surface of the Property nor to use any of the Property or any portion thereof above a plane parallel to and 500 feet below the surface of the Property for any of the purposes specified herein, as reserved by Chevron Pipe Line Company, a Delaware corporation in deed recorded August 15, 2019 as Instrument No. 2019-033391 of Official Records.

EXHIBIT B

CERTIFICATE OF ACCEPTANCE FORM

SAMPLE ONLY. NOT FOR SIGNATURE OR RECORDATION

Recording Requested By and When Recorded Return to:

State Coastal Conservancy
1515 Clay St., 10th Floor
Oakland, CA 94612
Attn: Legal Counsel: [JAG]
Project: Toro Creek, Dog Beach

EXEMPT FROM RECORDING FEES – GOV. CODE SECTION 6103

CERTIFICATE OF ACCEPTANCE

This is to certify that the interest in Real Property offered to the State of California, acting by and through the State Coastal Conservancy, in the IRREVOCABLE OFFER TO DEDICATE TITLE IN FEE AND DECLARATION OF RESTRICTIVE COVENANTS ("Offer") executed by the City of Morro Bay on _____, 2020, and recorded on _____, 2020 as Instrument No. _____ in the Official Records of the County of San Luis Obispo, State of California, is hereby accepted by the undersigned officer on behalf of the State of California, pursuant to the authorization of the State Coastal Conservancy, State of California, adopted on _____, 20__ on the basis of findings made in accordance with Section 1 of the Offer.

STATE OF CALIFORNIA
Resources Agency
State Coastal Conservancy

By: **XXXXXX**
Executive Officer

_____
Date

SHUTE, MIHALY & WEINBERGER LLP

396 HAYES STREET, SAN FRANCISCO, CA 94102
T: (415) 552-7272 F: (415) 552-5816
www.smwlaw.com

HEATHER M. MINNER
Attorney
Minner@smwlaw.com

March 10, 2025

Via Electronic Mail Only

California Fish and Game Commission
Attn: Kimberly (Kimi) Rogers
Environmental Scientist
715 P St, 16th Floor
Sacramento, CA 95814
E-Mail: fgc@fgc.ca.gov
kimberly.rogers@fgc.ca.gov

Re: Proposed San Andreas Shellfish Company Aquaculture Lease

Dear Ms. Rogers:

Shute, Mihaly, & Weinberger, LLP has been retained by the Public Lands Conservancy and the Environmental Action Committee of West Marin for matters related to the proposed San Andreas Shellfish Company (SASC) aquaculture lease in Tomales Bay (the Project). We have reviewed the rough project description and other materials provided at the November 7th, 2024 Marine Resources Committee meeting and the December 11, 2024 Fish and Game Commission meeting, as well as the numerous concerns raised and evidence presented at these meetings regarding the Project's potentially significant adverse environmental impacts.

We are writing to urge the Commission to study the Project's impacts through preparation and circulation of an Environmental Impact Report (EIR), as required under the California Environmental Quality Act (CEQA) and to begin consultation with federal fish and wildlife agencies on preparation of a joint Environmental Impact Statement (EIS), as required under the National Environmental Policy Act (NEPA). In addition, staff must reevaluate its initial determination that the lease application meets legal requirements under existing laws. This determination is incorrect, given that the proposed lease is located in areas used by the public for clamming.

I. An EIR is Required Under CEQA

Given the sensitive habitats, special status species, and other biological and aquatic resources present in and immediately adjacent to the proposed lease area, and the Project's wide-ranging construction and operational activities, it is not possible to mitigate all of the Project's potentially significant impacts to a less than significant level. Accordingly, the Project's environmental impacts must be fully analyzed, and Project alternatives and mitigation measures assessed, in an EIR prepared and circulated for comment pursuant to CEQA, Public Resources Code § 21000 *et seq.*, and the CEQA "Guidelines," California Code of Regulations, title 14, § 15000 *et seq.*

We understand that SASC is currently developing draft CEQA documents for the Project. We urge the Commission to subject all materials prepared by others to independent review and analysis in accordance with CEQA Guidelines section 15084, including peer reviews of all technical analyses. Any CEQA document circulated for public review must reflect the independent judgment of the Commission. In particular, the Commission should reject any effort to conduct environmental review absent a full EIR.

II. Consultation with Federal Agencies and Preparation of an EIS Under NEPA is Required

We are concerned that public discussions of the Project have not yet included preparation of an EIS under NEPA, 42 U.S.C. §§ 4321 *et seq.* Several threatened or endangered species under the federal Endangered Species Act (such as steelhead trout, coho salmon, and western snowy plovers) are in the vicinity of the lease area and will be adversely affected by operations. A Section 7 consultation under the federal Endangered Species Act is thus required. *See, e.g.*, 33 C.F.R. § 330.4(f).

In addition, Project activities are immediately adjacent to and will adversely affect eelgrass, which is designated as Essential Fish Habitat under the Magnuson-Stevens Fishery Conservation Management Act. For this reason and others, SASC cannot rely on Nationwide Permit 48 for permitting under section 404 of the federal Clean Water Act or under section 10 of the Rivers and Harbors Act, and must instead obtain an individual permit and conduct environmental review under NEPA. *See,* Final 2021 Nationwide Permit (NWP) Regional Conditions for the State of California (Feb. 25, 2022); USACE, 2021 Nationwide Permit Summary, 48(C).

III. Fish and Game Code Section 15401 Prohibits Approval of the Proposed Lease

Under California Fish and Game Code section 15401, "[a]reas used by the public for digging clams shall not be leased. The department shall designate those areas." The Fish and Game Commission's framework for evaluating water bottom leases references this statutory requirement by asking whether a proposed lease area "avoids areas used by the public for digging clams, as designated by CDFW." Fish & Game Com., Criteria and Framework for Evaluating if a New State Water Bottom Lease is in the Public Interest, p. 3. In reviewing SASC's proposed lease, Commission staff concluded that approval would be legal because "the proposed lease area avoids designated clamming areas." Fish & Game Com., Staff Evaluation of Aquaculture Lease, p. 2. This conclusion is flawed for several reasons.

To begin, state statutes specify that clamming is allowed in Tomales Bay. *See* Fish & Game Code §§ 8340, 8341 (designating areas and seasons for clamming); *see also*, https://wildlife.ca.gov/Fishing/Ocean/Regulations/Fishing-Map/San-Francisco (indicating that it is currently open fishing season for clams in the San Francisco Region, including the proposed lease area).

Moreover, CDFW itself recognizes that Tomales Bay is a popular area used by the public for digging clams. *See* Dept. of Fish & Wildlife, Status of the Fisheries Reports, https://wildlife.ca.gov/Conservation/Marine/Status (noting that Tomales Bay is a common clamming destination for the Pacific gaper clam, fat gaper clam, Pacific geoduck clam, Washington clam, and butter clam). Indeed, given extensive Marine Protected Areas and water quality issues in the region, Tomales Bay is the only significant remaining clamming option. Brazil Beach in particular has long been an area used by the public for digging clams. Yet SASC proposes to lease intertidal lands right at Brazil Beach. Even SASC's own presentation shows that the proposed lease area overlaps with recreational clam fishery areas, based on Department of Fish and Wildlife data. San Andreas Shellfish Farm, Presentation to CFGC Marine Resources Committee (Nov. 7, 2024), p. 3.

In determining that the proposed lease is legal under existing laws, staff suggests that the lease complies with Fish and Game Code section 15401 because CDFW has not officially "designated" the lease area as an area used by the public for digging clams. Yet, CDFW has not officially designated *any* areas as areas used by the public for digging clams. The state cannot avoid section 15401's prohibition on leasing areas used by the public for clamming by violating its statutory duty to designate those areas.

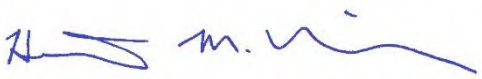
Accordingly, whether CDFW has officially designated this area or not, the proposed lease would violate the law because it includes "[a]reas used by the public for digging clams," which "*shall not be leased*" under Fish and Game Code section 15401.

* * *

We appreciate your consideration of these issues. We have signed up for the Marine Resources Committee and Aquaculture listserves and look forward to receiving updates on review of the Project application through those emails. In addition, pursuant to Public Resources Code section 21092.2, please provide us with the Notice of Preparation for an EIR. (If you are not the designated person to receive this request please forward it to the clerk of the Board). We also request copies of all other CEQA notices and other notices related to the Project.

Very truly yours,

SHUTE, MIHALY & WEINBERGER LLP



Heather M. Minner

cc: Don Neubacher, Advisor, Public Lands Conservancy
Ashley Eagle-Gibbs, Esq., Executive Director, Environmental Action Committee of West Marin
Samantha Murray, Vice President, California Fish and Game Commission; fgc@fgc.ca.gov
Randy Lovell, State Aquaculture Coordinator, California Department of Fish and Wildlife; Randy.Lovell@wildlife.ca.gov
Susan Ashcraft, Marine Advisor, California Fish and Game Commission; Susan.Ashcraft@fgc.ca.gov
Melissa Miller-Henson, Staff, California Fish and Game Commission; Melissa.Miller-Henson@fgc.ca.gov

Outlook

chumming flag

From Jerry Taggart <[redacted]>
Date Mon 03/10/2025 07:11 AM
To FGC <FGC@fgc.ca.gov>

Hello Melissa
Your Team at the Pacific Coast Sportfishing (PCS) expo was kind & helpful. I was able to discuss the benefits of establishing a code flag for chumming, reducing shark accidents and promoting sportsmanship in the State. I've recently submitted a proposal to the Florida Fish and Wildlife Conservation commission [redacted] to adopt the Chumming flag to reduce unwanted shark encounters. Please consider adding the Chumming flag. The Chumming flag will provide needed information where sharks may be present and in search of food. Thank you. Gerald Taggart chummingflag.com

Scuba Diving magazine

https://www.scubadiving.com › bes

The Best Scuba Diving Accessories in 2022

Mar 8, 2022 — Flags, bags and more! ... the chumming flag informs others when a boat is actively baiting for sharks

https://www.surfertoday...

SurferToday.com

Chumming Flag: the safe sign for shark baiting and

Gerald Taggart created the chumming flag to inform water users that chum is used in a given area, reduce shark attacks, and promot...

https://idssc.org › shark-...

idssc.org

Shark chumming flag

“A chumming flag is a flag that informs others that a boat is actively chumming/baiting the water with either live bait...

US state named global shark attack capital

Florida named shark attack capital of the world

STATE	TOTAL	STATE	TOTAL	STATE	TOTAL
Florida	928	New Jersey	16	Delaware	5
Hawaii	195	Georgia	17	Mississippi	2
California	138	New York	24	Washington	2
South Carolina	118	Alabama	10	Rhode Island	2
North Carolina	80	Massachusetts	6	Maine	2
	45	Virginia	5	Connecticut	1
	29	Louisiana	5	Maryland	2

5

Why is one flag mandatory in the USA & the other isn't when they both convey information that can save lives?

Saving Self

Saving Other's


CHUMMING FLAG
thescubanews.com
letstalkhookup.com
sharks.org
nava.org
nsdu
jcsa.org
gue.com
inthebite.com
spearfishing.live
women's usa spearfishing team
josewejebefoundation.org
scubalife.hr
fishyology.com
feike.co.za
idssc.org
sharknewz.com
IF YOU'RE GOING TO CHUM TELL SOMEONE

Outlook

To staff and commissioners

From Donna Kalez <[redacted]>
Date Wed 03/12/2025 09:45 PM
To FGC <FGC@fgc.ca.gov>

https://www.ocregister.com/2025/02/24/san-clemente-day-celebrates-pier-fishing-new-bike-racks/

We just wanted to make you aware of this great article about fishing off the San Clemente Pier - Brian Young from the Fish and Game participated with his volunteers. His program is fishing in the city and this was on the city Pier so I guess it all worked. Thank you so much for your support.

Please keep up the good work

Donna Kalez, COO
Dana Wharf Sportfishing & Whale Watching
34675 Golden Lantern
Dana Point, Ca. 92629
949.496.5794 ext 116
www.danawharf.com
www.linktr.ee/danawharf
Dana Point : The Dolphin & Whale Watching Capital of the World ®
https://youtu.be/Tk0Uu9Vb-Jg?si=GLH_bJtzt2ty-dh
Keep in touch: **Twitter**, **Facebook** , **Instagram** , **You Tube**

Chair: Festival of Whales Foundation

Oceanside Adventures
256 Harbor Dr. South
Oceanside, Ca 92054
www.oceansidewhalewatching.com

City Clerk Department

March 6, 2025

Governor Gavin Newsom
1021 O Street Suite 9000
Sacramento, CA 95814

RE: Resolution Supporting the Free and Safe Passage of Whales, Sea Turtles, and other Marine Animals in the San Francisco Bay Area's Coastal Waters and the State of California's Vision Zero Target of Zero Mortality for Whales and Sea Turtles

At its meeting of February 25, 2025, the Berkeley City Council adopted Resolution No. 71,673-N.S. supporting the Free and Safe Passage of Whales, Sea Turtles, and other Marine Animals in the San Francisco Bay Area's Coastal Waters and the State of California's Vision Zero Target of Zero Mortality for Whales and Sea Turtles.

Sincerely,

Mark Numainville
City Clerk

Enclosure: Resolution No. 71,673-N.S.

cc: Buffy Wicks, Assemblymember
Jesse Arreguin, State Senator
Emily Menashes, Acting Assistant Administrator, National Oceanic and Atmospheric Administration (NOAA)
Chuck Bonham, Director, California Department of Fish and Wildlife
Samantha Murray, President, California Fish and Game Commission
Maria Brown, Superintendent, Greater Farallones and Cordell Bank National Marine Sanctuaries
Cecelia Lunaparra, Councilmember, District 7
Shoshana O'Keefe, Councilmember, District 5
Paul Buddenhagen, City Manager

RESOLUTION NO. 71,673-N.S.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BERKELEY SUPPORTING THE FREE AND SAFE PASSAGE OF WHALES, SEA TURTLES, AND OTHER MARINE ANIMALS IN THE SAN FRANCISCO BAY AREA'S COASTAL WATERS AND THE STATE OF CALIFORNIA'S VISION ZERO TARGET OF ZERO MORTALITY FOR WHALES AND SEA TURTLES

WHEREAS, the City of Berkeley values our state's ocean and coastal waters, which provide habitat to a vast array of wildlife, including fish, whales, sea turtles, and birds that depend on a healthy and clean environment; and

WHEREAS, Berkeley's residents and its visitors enjoy our beaches, local marine life, the San Francisco Bay, and the Pacific Ocean for recreational, commercial, and educational activities, all of which support our local economy; and

WHEREAS, California designated the endangered Pacific leatherback turtle as the state marine reptile in 2012; and

WHEREAS, California designated the Gray Whale as the state marine mammal in 1975; and

WHEREAS, entanglement in fishing gear and vessel strikes are two of the main causes of human-caused serious injury and death for whales and sea turtles; and

WHEREAS, the California Department of Fish and Wildlife has confirmed 37 instances of whales or sea turtles being entangled in fishing gear off the coast of California since 2021; and

WHEREAS, The National Marine Fisheries Service recorded 49 documented instances of ships killing large whales off the California coast between 2007 and 2020 with scientists believing the actual number could be 20 times higher; and

WHEREAS, developing and managing whale and sea turtle safe fisheries is important to operating sustainable fisheries, protecting marine life, and preventing extinction; and

WHEREAS, the California Ocean Protection Council approved the Strategic Plan to Protect California's Coast and Ocean which includes a target of zero mortality (Vision Zero) for whales and sea turtles; and

WHEREAS, in 2014 the City of San Francisco adopted Resolution No. 397-14, supporting the free and safe passage of whales and dolphins and declaring that every whale and dolphin has the right to remain unrestricted in their natural environment; and

WHEREAS, in 2024 the City of Alameda adopted Resolution No.16212, supporting the free and safe passage of whales, sea turtles, and other marine animals in Alameda's coastal waters and the state of California's Vision Zero Target of zero mortality for whales and sea turtles.

NOW, THEREFORE, BE IT RESOLVED, that the City of Berkeley supports the free and safe passage of all whales and sea turtles that traverse our coastal waters.

BE IT FURTHER RESOLVED, that the City of Berkeley supports the state of California's commitment to preventing whale and sea turtle entanglements and vessel strikes, commitment to investing in whale-safe fisheries by supporting innovative technologies like on-demand fishing gear, and commitment to ensuring that current and future generations of Californians can enjoy our state's rich marine biodiversity.

BE IT FURTHER RESOLVED, that the City of Berkeley urges the state to authorize the use of pop-up fishing gear to prevent serious and deadly entanglements in commercial fishing gear.

BE IT FURTHER RESOLVED, that the City of Berkeley urges the state and the National Marine Fisheries Service to establish mandatory, science-based vessel speed limits to prevent collisions between marine wildlife and vessels.

FINALLY, BE IT RESOLVED, that upon passage, a copy of this Resolution be sent to Governor Gavin Newsom, State Senator Jesse Arreguín, Assemblymember Buffy Wicks, National Oceanic and Atmospheric Administration (NOAA) Acting Assistant Administrator for Fisheries Emily Menashes, California Department of Fish and Wildlife Director Chuck Bonham, California Fish and Game Commission President Samantha Murray, and Greater Farallones and Cordell Bank National Marine Sanctuaries Superintendent Maria Brown.

The foregoing Resolution was adopted by the Berkeley City Council on February 25, 2025 by the following vote:

Ayes: Bartlett, Blackaby, Humbert, Kesarwani, Lunaparra, O'Keefe, Taplin, Tregub, and Ishii.

Noes: None.

Absent: None.

Adena Ishii, Mayor

Attest: Rose Thomsen, Deputy City Clerk

City Clerk Department
2180 Milvia Street
Berkeley, California 94704

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US POSTAGE

Samantha Murray
California Fish and Game Commission
P.O. Box 944209
Sacramento, Ca 94244-2090

94244-2090

Capt. David T. Willett
President & Founder
Santa Barbara Sea Ranch, Inc.
dwillett@SantaBarbaraSeaRanch.com
March 15, 2025

Melissa A. Miller-Henson

Executive Director
California Fish and Game Commission
P.O. Box 944209
Sacramento, CA 94244-2090
Email: **fgc@fgc.ca.gov**

Subject: Request to Place Lease Application on Hold Due to Inability to Properly Manage CEQA Lead Agency Responsibilities

Dear Executive Director Miller-Henson,

I am writing to formally request that my lease application for a state water bottom lease under Santa Barbara Sea Ranch, Inc. (SBSR) be placed on hold until the California Fish and Game Commission (FGC) has demonstrated its ability to properly manage its CEQA Lead Agency responsibilities for handling state water bottom lease applications. This request is based on the continued uncertainty and inefficiency surrounding my application process, despite an established public interest determination made in 2018.

At its August 22–23, 2018 meeting, the FGC determined that my proposed lease of 176 acres for aquaculture purposes was in the public interest and directed me to proceed with the required environmental review and agency coordination. Following that determination, I worked diligently with multiple agencies, including the California Department of Fish and Wildlife (CDFW), California Coastal Commission (CCC), U.S. Army Corps of Engineers (USACE), National Oceanic and Atmospheric Administration (NOAA), and the California Department of Public Health (CDPH), as well as commercial and recreational fishermen and other community stakeholders, to develop an Initial Study/Mitigated Negative Declaration (IS/MND) that attempted to incorporate all relevant input and recommendations. After multiple iterative, multi-agency reviews, this IS/MND was submitted to the FGC March 31, 2021, in accordance with the guidance provided by Randy Lovell of CDFW, who recommended this approach based on the successful reconfiguration of Santa Barbara Mariculture Company's (SBMC) lease under a similar environmental review process.

However, despite years of compliance and exhaustive efforts, on March 7, 2025, SBSR received an official letter from FGC stating that an Environmental Impact Report (EIR) would now be required. This decision, coupled with the Marine Resources Committee's (MRC) decision on

March 13, 2025, to present the SBSR project for "initial public vetting", has effectively put my application back to square one after nearly seven years of work and investment.

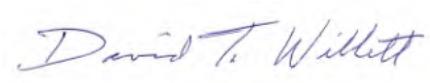
This unexpected and inconsistent handling of my lease application raises serious concerns about the Commission's ability to effectively manage the leasing process. Specifically:

1. FGC accepted my lease application and fee in 2018, made a public interest determination, and instructed SBSR to follow an IS/MND pathway.
2. After years of agency coordination, compliance, and environmental review, my project is now being subjected to an entirely new standard (EIR).
3. FGC has not issued an NOP, as required under CEQA Guidelines § 15082 and instead asked SBSR to do it to aid their compliance with the requirement.
4. FGC has demonstrated an inability to support or manage the leasing process, as evidenced by its decision to halt lease applications entirely for approximately two years while redefining its procedures.
5. The public interest determination made in 2018 is now effectively meaningless, as my project is being treated as though it is in an initial review phase rather than nearing completion.

Given these circumstances, I do not have confidence that FGC is capable of properly handling this process at this time. As such, I request that my lease application be placed on hold until FGC demonstrates that it has the ability to competently manage its CEQA Lead Agency responsibilities for state water bottom lease applications. Malibu Oyster Company was granted the ability to put its application on hold due to similar challenges, and I am requesting the same consideration.

I appreciate your time and attention to this matter and look forward to your response.

Sincerely,



Capt. David T. Willett
President and Founder
dwillett@santabarbarasearanch.com
(805) 450-9672

Outlook

BIRTH CONTROL in California Wolves?

From Matt Hennessey <[redacted]>
Date Mon 03/24/2025 09:11 AM
To FGC <FGC@fgc.ca.gov>; Wildlife ASK Region 1 <ASKRegion1@wildlife.ca.gov>; Wildlife R2 Information <R2Info@wildlife.ca.gov>
Cc ksweet@cattlemen.org <ksweet@cattlemen.org>; maureen@calcattlemen.org <maureen@calcattlemen.org>; team@themountainmessenger.org <team@themountainmessenger.org>

Sirs /Madams; Hello. I am technologically challenged and I couldn't figure how to send only the article that I refer to. However, I felt the need to forward this suggestion as it may pose a possible solution to our rapidly expanding wolf population boom. I am referring to the article below regarding BIRTH CONTROL IN AFRICAN LIONS..

Please disseminate this article among your organization as you see appropriate?

Respectfully,
/s/ Matt Hennessey
Westwood, Lassen County, Ca.

From: Matt Hennessey <[redacted]>
Sent: Saturday, March 22, 2025 11:04 AM
To: Paul Smith <[redacted]>
Subject: BIRTH CONTROL ?

Paul please see the article below . . . . **To Maintain Prey Populations on a Malawi Reserve, Lions Are Getting Birth Control**. Maybe Ca.DFW could implement this process while doing their trapping/collaring captures? It might help deer and elk populations? If they can capture and do these procedures on African Lions it should be a breeze to do the same to some wimpy wolves.

From: Nice News <today@nicenews.com>
Sent: Saturday, March 22, 2025 2:35 AM

Environment

To Maintain Prey Populations on a Malawi Reserve, Lions Are Getting Birth Control

2630ben/ iStock

Lions are eating good at the Majete Wildlife Reserve in Malawi — maybe too good. While the population of the predators in the park has grown from a mere three individuals brought there in 2012 to around 100 today, antelopes and other prey are at risk of seeing their numbers dwindle. So conservation nonprofit African Parks has been implementing a creative solution:

administering lion birth control.

“In order to avoid those impacts from happening, we want to make sure that we reduce our lion population to a reasonable size,” Craig Thomas, conservation manager at the Reserve, explained to Voice of America. To that end, African Parks began administering deslorelin synthetic hormonal implants in 2022, targeting adult female lions that had already had litters.

Last year, the park expanded the initiative by performing vasectomies on male lions, and now 13 adult males have undergone treatment. The **efforts so far appear to be a win-win**, as no cubs were born last year, and park officials haven’t recorded any resulting negative impacts on the lions.

“The effectiveness of this method is also demonstrated in other parks managed by African Parks, where similar programs have successfully controlled lion populations without negatively impacting pride dynamics,” Thomas told Mongabay, adding: “**The management strategy focuses on maintaining ecological balance**, ensuring that predator and prey populations remain sustainable.”

Outlook

Predator Control i Ca.

From robertslv4 <[redacted]>
Date Thu 03/27/2025 02:13 PM
To FGC <FGC@fgc.ca.gov>

Wolves are not the only predator problem in Northern Ca. Counties. Bobcats have exploded in recent yrs and need to be controlled. Mt lion kills are now a common thing to see in mant counties if you spend much time in the woods. Laws need to change !

Sent from my T-Mobile 5G Device

Outlook

AB303 and Remove Battery Packs From Moss Landing

From J KLM <[redacted]>
Date Thu 03/27/2025 11:47 AM
To FGC <FGC@fgc.ca.gov>

Hello,

"The California Public Utilities Commission (CPUC) is a regulatory agency that regulates privately owned public utilities in the state of California, including electric power, telecommunications, natural gas, and water companies. CPUC works to protect consumers, ensure safe and reliable utility service, and promote a healthy California economy. It also participates in regional and multi-state issues forums and shapes federal public policy."

Based on the information that I have been able to compile, CPUC is doing a good job at promoting PG&E/Vistra Energy profits and failing on other obligations.

In 2023, PG&E made a profit of 2.24 billion dollars

In 2024, PG&E made a profit of 2.48 billion dollars.

PG&E disasters have killed 117 people in the state of California over the last 10 years

Vistra Energy net income for 12 months ending September 30, 2024, was 1.852 billion dollars.

Vistra Energy disasters have killed ... we don't know yet how many deaths will occur in the long- term because of short-term exposure to battery fires in Moss Landing. Likewise, we don't know the long-term effects on wildlife in the Elkhourn Slough Ecological Reserve and the surrounding areas immediately adjacent to the PG&E/Vistra facilities.

Even though the CPUC was aware of serious battery failures globally, they allowed PG&E/Vistra Energy to proceed with the Moss Landing, CA, Morro Bay, CA, and Watsonville, CA, battery projects.

CPUC REPORT

https://www.cpuc.ca.gov/-/media/cpuc-website/divisions/energy-division/documents/energy-storage/2023-05-31_lumen_energy-storage-procurement-study-report-attf.pdf

As of February 2025, there has been 1 Fire at the PG&E Tesla Megapack plant and 5 fires at the Vistra Energy plant. The Vistra fire on January 16, 2025, being particularly devastating.

On January 16, 2025, a large battery fire at the Vistra Energy plant in Moss Landing raged out of control for more than 3 days.

-At 5PM on January 16, 2025, a fire breaks out and thick smoke is seen coming from the roof of the Vistra facility.

-At 5:40 PM the fire explodes, and large swaths of smoke are covering Moss Landing.

-At 6:30 PM, after the fire has been burning for one and a half hours, an evacuation order is finally issued to the residents of Moss Landing.

-At 11PM, the fire continues to explode with large flames and large volumes of smoke.

-At 6AM on January 17, the next morning, the large fire continues with large volumes of smoke.

-At 1PM the battery fire continues to burn with large volumes of smoke.

On Sunday January 19, 2025, the fire was declared “no longer active” but over the following weeks the fire kept reigniting with shelter in place warnings.

Unfortunately, while this Vistra Energy fire burned for 3 days and then reignited, the 700 species of animals including 340 species of birds in Elkhourn Slough Ecological Reserve were unable to evacuate or shelter in place.

What were residents and wildlife potentially exposed to? See Fisher Engineering Report

FISHER ENGINEERING REPORT

https://www.mississippimills.ca/media/ttvhpufo/ap04fc1.pdf

" Ivano Aiello, chair of the Department of Geological Oceanography at Moss Landing Marine Laboratories has been testing sediments around Elkhorn Slough for over a decade, and in the days immediately following the Vistra battery fire, he and others got to work taking marsh soil samples within a two-mile radius of the Vistra plant. What they found is that concentrations of nickel, manganese and cobalt – heavy metals, known together as “NMC,” are often used as cathode material for lithium-ion batteries – were about 1,000 times their normal concentrations."

Since the CPUC also allowed Vistra Energy to place these unstable batteries in a 75-year-old building which contains high levels of asbestos, it is likely residents and wildlife were exposed to highly toxic asbestos fibers which are released during asbestos fires.

It has been speculated that the Vistra Fire spewed 5000 tons of toxins and heavy metals across schools, homes, and fields and into the environment.

Tesla contracted Fisher Engineering to test and compare their MP1 and MP2 Tesla Megapacks. Based on their report, they tested these units for thermal runaway at multiple levels. Thermal runaway occurs when a lithium-ion battery's temperature rises out of control leading to fire, smoke and high temperature. The cell vent temperature is 345 deg F and the thermal runaway temperature is 462 deg F. The internal temperature is regulated by the Thermal Management System which uses an internal liquid cooling system. According to the Fisher Engineering report, the Tesla Megapacks in thermal runaway were unlikely to burn between internal cells and compartments within the Megapack and between actual Megapack units. However, as we have seen in the last decade, this is not the case. There have been multiple incidents globally of thermal runaway. See CPUC Report

There are two types of Tesla Megapacks, MP1 and MP2. MP1 is an NMC Lithium-Nickel-Manganese-Cobalt oxide battery and MP2 is a Lithium-Iron-Phosphate battery. Tesla MP1 Megapacks are much more prone than Tesla MP2 Megapacks to thermal runaway. Unfortunately, the PG&E Tesla Megapacks in Moss Landing are MP1. See Fisher Engineering report.

In December 2024, there was a 7.0 earthquake in Northern California which triggered a tsunami alert. Therefore, I called the Tesla Megapack Technical Support Hotline on Thursday December 5, 2024, and I spoke to a Tesla representative. I asked him if Tesla had performed any shaking or earthquake testing on the Tesla Megapack. He said, "NO, but let me go talk to someone." Many minutes later, he returned to the line and told me they had done some "structural integrity" testing. I asked him if he could provide me with a report in this regard. Later, I received an email from him that this information is only available to "existing Tesla Megapack customers". If this "structural integrity" information actually exists, this should be public information. Since the Tesla Megapack units are very dependent on the internal cooling

system to prevent thermal runaway, I could imagine a sizeable earthquake could cause thermal runaway in all 256 Tesla Megapack units at the same time. Moss Landing is surrounded by three major fault zones. During the Loma Prieta earthquake in 1989, with an epicenter 30 miles from Moss Landing, Moss Landing suffered from serious liquifaction. Moss landing also resides in a Tsunami Zone.

Why did the CPUC grant PG&E the option to place 256 Tesla Megapacks in Moss Landing immediately adjacent to the Elkhourn Slough Ecological Reserve? It happened, in my opinion, because PG&E was able to connect to the established GRID at Moss Landing without any additional expense. I have noticed that when PG&E takes short-cuts, disaster ensues. The Camp Fire in Paradise, CA is a perfect example of that.

I would like to add that I personally believe battery storage is important for energy conservation and a great alternative from fossil fuel dependence. However, in my opinion, PG&E/Vistra should not have received permission from the CPUC to place battery units next to Elkhourn Slough or any other major waterway. The PG&E Tesla Megapacks and Vistra Energy Batteries are unstable and regularly malfunction. I believe these batteries should be permanently removed from Moss Landing before something even more catastrophic happens in Monterey Bay.

AB 303 - Battery Energy Safety & Accountability Act | Official Website - Assemblymember Dawn Addis Representing the 30th California Assembly District

Best Regards,

Jan Lee

Monterey CA

Outlook

California Fish & Game Commissioners; To Update The California Wolf Management Plan

From Howl for Wildlife via New/Mode <civicinput@newmode.io>
Date Fri 03/28/2025 09:35 AM
To FGC <FGC@fgc.ca.gov>

California Fish & Game Commissioners,

305 people have signed a petition on New/Mode telling you To Update The California Wolf Management Plan.

Please get ahead of this before it becomes too big of a problem.

We will be awaiting your response to this issue.

You can view the petition here:
https://win.newmode.net/howlforwildlife/requestforupdatedwolfmanagementplan

Thank you,

Howl for Wildlife

Here are all the people who have signed this petition:

- Charles Whitwam - Pacifica, CA
- Charles Whitwam - Pacifica, CA
- Mike Costello - West Sacramento, CA
- Ellen Carey - Alturas, CA
- Hayden Page - Marysville , CA
- Skyler Coleman - Sonoma, CA
- Ginger Moyles - Etna, CA
- Ginger Moyles - Clifton Hill, MO
- John Kolesar - South Lake Tahoe, CA
- Natasha Hunt - Coalinga, CA
- Rick Berry - Bakersfield, CA
- Rick Berry - Bakersfield, CA
- Pam Severtson - Shingletown, CA
- Brandon Maynard - Ontario, CA
- Cheri Brugman - Alturas, CA

- Kyle Gerhart - Gustine, CA
- Charles Kemper - Alturas , CA
- Charles Kemper - Alturas , CA
- Justin Horton - Clovis, CA
- Cody Barnes - Sparks, NV
- Karen King - Alturas , CA
- Michele Wolfe - Alturas, CA
- Jake Pickett - Napa, CA
- Kevin Crompton - Elkridge, MD
- Jonathan Hoang - San Luis Obispo, CA
- Rowdy Fitzgerald - Orange Cove, CA
- Mike Resor - Citrus Heights, CA
- Jonathan Palmer - Whittier, CA
- Cameron Bernd - Santa Rosa, CA
- Phillip Sanders - Berkeley, CA
- James Ferguson - Burney, CA
- Kyle Cole - Cutten, CA
- Gabe Abramson - Windsor, CA
- Nancy Hoxsey - Napa, CA
- Doyle Jones - Foresthill, CA
- TJ Hawkins - Burney, CA
- Bonnie Wheatley - Calhan, CO
- Jeremy Spires - Mount Juliet, TN
- Megan Young - McArthur, CA
- Phong Ho - Folsom, CA
- Zoee Bartley - Crescent City, CA
- Mike Herz - Kalama, WA
- Zac LaPierre - Cataldo, ID
- Jackson Knoll - Fairfield, CA
- Andrei Singeorzan - Rancho Cordova, CA
- Eric Portillo - Rescue, CA
- Destry Wilcox - Puyallup, WA
- Jeremiah Newman - Nevada City, CA
- Ned Coe - Alturas, CA
- Dylan Atwood - Fort Collins, CO
- Tina Dolby - Alturas, CA
- Randy Donis - Compton, CA
- jeremy cutler - McKinleyville, CA
- Tamsen Myers - Adin, CA
- Wynn Myers - Adin, CA
- Zack Powell - Portola, CA
- Brad Paschall - Orland , CA
- Heather Kingdon - Taylorsville , CA
- John Ryan - Santee, CA
- Ciara Babcock - Bieber, CA
- Ciara Babcock - Bieber, CA
- Jacobus Brennan - Bruneau, ID
- Mike Kraft - Ellensburg, WA
- Enrique Martin del campo - Murrieta, CA

- Seth Watts - Chico, CA
- Michael Graber - Capistrano Beach , CA
- John Conn - Dewey , OK
- Tanner Mathews - Hanford ca , CA
- Nickolas Rivera - Murphys , CA
- Christopher Crow - Grand Junction, CO
- Evan Benevento - Watsonville, CA
- Jeffrey Spear - Banning, CA
- David Bermingham - Elk Grove, CA
- Ju Cruz - Eureka, CA
- Jason Carr - Magalia, CA
- Kevin Watson - Victorville , CA
- Rylee Licht - Tehachapi , CA
- Josh Brann - Walnut Creek, CA
- Kevin Kranjack - Pilot Hill, CA
- J Short - Monterey, CA
- Conner Kelly - Oceanside, CA
- Roy Hoglund - Merced, CA
- Matthew Richards - Sonoma, CA
- Jeffrey Prentice - Clarksburg, CA
- Kylie Bowe - RAYMOND, CA
- Blane Markham - Carmel, CA
- Eleigh Kelly - Pacific Grove, CA
- Angel A Jaramillo - Woodland, CA
- Tim Roach - RAYMOND, CA
- Owen Bacon - Portland, OR
- Walter Vereda - Bonita, CA
- Michael Gaudio - Long Beach, CA
- Reid Lamson - Corning, CA
- Jeffrey Plecque - Redding, CA
- Peter Skarda - Nipomo, CA
- Garret Hoppe - SEBASTOPOL, CA
- Michael Loyarte - Rancho Cucamonga, CA
- Jessie Cahill - Fortuna, CA
- John Pickett - Tulare, CA
- Edward Von Aesch - Newcastle , CA
- Kevin Pedrola - San Dimas, CA
- CODY BUHLER - Huntington Beach, CA
- Daniel Desimoni - Napa, CA
- Lee Johnson - Fort Jones, CA
- James McCutcheon - Benicia , CA
- Rex Schimmer - Fulton, CA
- Connor Jopson - Granite Bay, CA
- lance bauer - SAN LORENZO, CA
- Nathan Boyer - Woodland, CA
- Garrett Twisselman - Mariposa, CA
- Daniel Witte - Jamul, CA
- Brandon Knoch - McArthur, CA
- Andrew Riggs - CHICO, CA

- Ryan Mccoy - Dunnigan , CA
- trevor antognini - Angwin, CA
- Bret Scott - Riverside, CA
- Steven Dolan - Rancho Mission Viejo, CA
- Andrew Martin - Vestavaia, AL
- Darin Hofmann - Rancho Cucamonga, CA
- josh oedewaldt - Santee, CA
- josh oedewaldt - Santee, CA
- Ron Becker - Manteca, CA
- Ron Becker - Manteca, CA
- Sam Hagel - Lafayette, CA
- Derek Peterson - Cloverdale, CA
- Travis Edwards - Seaside, CA
- Jacob Falkenstein - Redding , CA
- David Wagner - Livermore, CA
- Christopher Prentice - Sacramento, CA
- Kenneth Elliott - Santa Clara , CA
- Kerrie Lamont - Bishop, CA
- Mark Debasitis - San Jose, CA
- Travis Adams - Eureka , CA
- Doug Oilar - Corning, CA
- Chriss Bowles - Ontario, CA
- Garrett Heapy - Pollock Pines, CA
- Eric Mcdonald - Lewiston, CA
- Katherine Banwarth - Adin, CA
- blaine jackson - Valley Center, CA
- Heather Goodwin - Creston, CA
- Garth Bonomini - Eureka, CA
- Randolph Lanzendorfer - Rough and Ready, CA
- Scott Starkey - Roseville, CA
- Blake Bender - Sacramento, CA
- Ean Anderson - Cheney, WA
- Ryan Lamson - Corning, CA
- Charlie Billett - Loma Rica, CA
- Linden Loren - Albany, OR
- Kathryn Evans - Lower Lake, CA
- Cody Cadh - Montague, CA
- Cody Cadh - Montague, CA
- Richard Bernal - San Jose, CA
- Rene Blanc - El Cajon, CA
- Curren Williams - Sparks, NV
- Benjamin Gaskins - Bakersfield, CA
- Daniel Epperson - Ione, CA
- Lance Portal - Corvallis, OR
- Kai Portal - Corvallis, OR
- Ryan Byrd - Lodi, CA
- Peter Thorne - Bakersfield, CA
- Peter Thorne - Bakersfield, CA
- Jerry Weston - SAN DIEGO, CA

- Robert Boughton - Anderson, CA
- Jason Kamen - Santa Barbara, CA
- Dj Mowe - Anderson, CA
- Dale West - Corning, CA
- Kevin Klein - Ladera Ranch, CA
- Rob McMahon - San Jose, CA
- Mike Denton - El Dorado, CA
- Robert Ripley - Sutter, CA
- Johnny Bairos - Redlands, CA
- James Leonhardt - Penngrove, CA
- Shirl Woodson - Dorris, CA
- Shirl Woodson - Dorris, CA
- Katrina Babcock - Bieber, CA
- Dennis Corvello - San Lorenzo, CA
- Zach Huseby - Paso Robles, CA
- Courtney Darnell - Oroville, CA
- Daniel Czap - Salida, CA
- John Simko - San Diego, CA
- Dennis Kildall - Long Beach, CA
- ANDREW RANDOLPH - Willows, CA
- Dallen Toerpe - Mad River, CA
- Ken Farris - Lakeport, CA
- Jeremy Garcia - Live Oak, CA
- Matthew Radosevich - Fairfield , CA
- Nick Stewart - South Lake Tahoe, CA
- Mark Rege - Apple valley , CA
- Ken Sandusky - Canby, CA
- Ross Rickard - Grover Beach, CA
- Jim Zoggas - Oroville, CA
- JESSE STOVALL - Fiddletown, CA
- brian andersen - Fort Bragg, CA
- Ron Cook - Modesto, CA
- jacob cheek - Oakdale, CA
- Corbin Polizzi - Redding, CA
- Stefanie Wickham - Santa Clara, CA
- Brandon Spreafico - San Luis Obispo, CA
- Mack Dum - Vista, CA
- Cody Spain - Zenia, CA
- Tyrell Braker - Bakersfield, CA
- Erick Burres - Riverside, CA
- Miguel Guillen - Visalia, CA
- Patricia Plummer - Westwood , CA
- Zach Seibert - Arroyo Grande, CA
- Redhawk Pallesen - Ukiah, CA
- Clark Lundeen - Napa, CA
- Scott Fincher - Sutter, CA
- Jaja Jaimah - Mesa, AZ
- John Teichert - Middleton, ID
- Elliott Peters - Browns Valley, CA

- Brian Ginn - Dublin, CA
- Joe Knight - Upland, CA
- Gino Galea - Santa Rosa, CA
- Robert Morris - Fellows, CA
- Milo Smith - Susanville, CA
- Christopher Galaske - Frazier Park, CA
- Helen Haekins - Bieber, CA
- Michael Bozarth - PAYETTE, ID
- Brian Henderson - Anderson, CA
- Gary Burdick - Arboga, CA
- Steve Colbert - Redding, CA
- Lara May - Truckee, CA
- Chris Nunez - Nipomo, CA
- Sam Roberts - Oakdale, CA
- Sue Dennison - Reno, NV
- Jason Krings - Los Gatos, CA
- J Davis - Irons, MI
- J Davis - Irons, MI
- Ben Rasmussen - Colfax, CA
- Wayne Johnson - Porterville, CA
- Layn Strickland - Fall river mills, CA
- Jessie Holloway - Likely, CA
- James Wood - Sacramento, CA
- Brandon Hatfield - Red Bluff, CA
- Nick Mosher - Sacramento, CA
- Arthur Hilfiker Arthur Hilfiker - Fortuna, CA
- Tony Capra - Livermore, CA
- Tony Capra - Livermore, CA
- Richard Brand - Madera, CA
- John Creel - Wofford Heights , CA
- Jorge Alcaraz - Los Angeles, CA
- Justin Valena - Alturas, CA
- Erin Holm - Sebastopol, CA
- Nate Gregoire - Sacramento, CA
- Jared Jones - Dixon, CA
- Jared Jones - Dixon, CA
- Brian Bottin - Oakley, CA
- Cody Darling - Bakersfield, CA
- Joel Cheney - Zenia, CA
- Cody Stemler - Sonora, CA
- James Derington - Corning, CA
- Kri Azevedo - Bieber , CA
- Mark Grexton - West Sacramento , CA
- Brian Joergensen - Livermore , CA
- Brad Smith - Bakersfield , CA
- Samuel Lewis - Patterson, CA
- Matt Kane - San Francisco, CA
- Thomas Gabriel - Lodi, CA
- craig Ferrari - Grass Valley, CA

- Mike Rufenacht - Loomis, CA
- BRIAN Doyle - Chico, CA
- Gary Luis - TWTER, CA
- JOHN stallone - Scottsdale, AZ
- Grady Miller - Wheatland, CA
- Randy Amaral - Redding, CA
- John Cohn - Bella Vista, CA
- Tammy Scott - Littleton, CO
- Nathan Michaels - Chualar, CA
- Dustin Bridges - Nipomo, CA
- Chuck Quigley - Corning , CA
- Russell Emeterio - Hollister, CA
- Anna Artz - Sacramento, CA
- Reina Seraaj - Ridgecrest, CA
- Cameron Vg - Mono, CA
- Mike Brock - Roseville, CA
- DARREN FRAVEL - Santa Rosa, CA
- Mathew Vargas - Phoenix, OR
- Jeff Davies - El Dorado Hills, CA
- rick burgardt - El Dorado Hills, CA
- Mike Dolan - Oroville , CA
- Jason Quilici - Woodacre, CA
- Ken Bonander - La Mesa, CA
- Nathan Bunting - Red Bluff, CA
- Chase Collmer - Loma Rica, CA
- EDWARD REYNOSO - Visalia, CA
- Mary Roa - Willows, CA
- Alex Boldt - Reedley , CA
- Douglas Reed - Red Bluff , CA
- Chris Farmer - Red Bluff, CA
- Lonnie Galvin - Canby , CA
- Cooper Bailey - Cottonwood, CA
- Elizabeth Ryan - Loyalton , CA
- Jesse Frieling - Susanville , CA
- Mike Blankenship - Corning , CA
- Jonathan Marx - Blue Lake, CA
- Jani Brewer - Los Molinos, CA
- Troy Kirby - Ventura, CA
- Juanita Williams - Susanville, CA
- Norman Oilar - Browns Valley, CA
- Thomas Hyatt - Red Bluff, CA
- DANIEL RYAN - Janesville, CA
- Bob Nelson - Galt, CA
- Bob Nelson - Galt, CA
- Devin Nelson - La Grange, CA

Outlook

San Andreas Shellfish Company

From Eric Ballatore <[redacted]>
Date Sat 03/29/2025 12:28 PM
To FGC <FGC@fgc.ca.gov>

March 29, 2025

Dear California Fish and Game Commission,

Thank you for the opportunity to provide comment for the CDFWC when considering the lease application for an oyster farm in Tomales Bay named San Andreas shellfish.

Our family lives in Valley Ford, the town just to the north of Dillon Beach. My wife and I are both teachers at Tomales Elementary school. Our family has lived and worked in this area for four generations. Dillon Beach and Tomales Bay are an import part of every local's life around here. Most folks visit Dillon Beach regularly to enjoy the surf and walk their dogs. The bay provides many benefits, which we also utilize. Some of these include hunting, fishing, and of course eating shellfish from our beloved oyster companies. These businesses provide healthy food and employment for our rural communities.

Nobody around here wants large scale commercial development, but oyster farms like the one being proposed have never been placed in that unwanted category. Anybody that lives in Northwest Marin County is somehow tied to this unique way of life that includes ranching or farming near the coast. Oyster farming has always been part that community. The only time I've ever heard anything negative about the shellfish industry, was back when Drake's Bay oyster Company was run off. Everyone that actually lives here and knows what they provided, agrees that was a tragic loss and should have never happened. Instead of growing the needed food supply here at home responsibly and sustainably, they were forced out of the state and now farm shellfish in Mexico. They now import the same product, which should have been benefiting our locals and our local economy.

I personally know, and strongly respect the applicants of the San Andreas shellfish Company. We have followed their saga to do something good in our community for many years now. We feel sorry for the bureaucratic struggles they've patiently endured.

We are familiar with the current proposed area and farming methods. The San Andreas shellfish company is proposing an area that is primarily otherwise unused by people, and would have a less than significant impact on the environment. They would be no different than any other existing approved shellfish farm in Tomales Bay. Just like the adjacent ranchers on land, these farmers are for, and from our community and its environment.

We request that the California Department of Wildlife Commission strongly consider approving this proposal, as if is denied, or if the applicants are forced to quit, it may set a president for others not to attempt future endeavors with such significant benefits.

Respectfully,

Eric and Rosario Ballatore

Outlook

San Andreas Shellfish

From CORINNE Y MARTINEZ <[redacted]>
Date Wed 04/02/2025 11:13 AM
To FGC <FGC@fgc.ca.gov>

California Fish and Wildlife Commissioners

It has come to my attention that concerns regarding the proposed shellfish farm named San Andreas Shellfish near Tom's Point in Tomales Bay are causing delays for the applicant. I'm writing to express my support for this project and to encourage the California Fish and Wildlife Commission to take up this project an act expeditiously to enable the applicant to move forward.

My grandparents built a house in Dillon Beach in 1952 and before that owned one in the village for several years. My mom spent her childhood summers vacationing at Dillon Beach as did her brothers and sisters and the next several generations of our extended family are all doing the same, and not just in the summer. We all enjoy the many benefits of Dillon Beach and Tomales Bay. We have fond memories of coming here since we were children and think of it as home. In the summer we escape the heat in the Valley, and in the winter, we come to enjoy stormy days and nights. We love to walk on the beach, play, and explore. We often walk from the beach parking lot down to the entrance to Tomales Bay and then past the end of Lawson's sea wall, to and around Tom's point.

The area that is being proposed for San Andreas Shellfish is typical of the existing farms around the point. It's not part of where we would travel or walk. Even during low tides, we stay up on the higher sand near the dune grass and ice plant, out of the lower muddy area where the oysters would be grown.

Part of the magic of Dillion Beach and this coastal region is the quaint fishing community and locally grown oysters have always been a part of that. Years ago there was an old guy who would drive through the campground selling oysters out of ice chests. Now we have to make a special effort to drive thirty minutes or more to get our oysters. I think this new shellfish farm would benefit locals as well as the numerous campground visitors those of us who visit the beach several times a year.

Thank you for your consideration.

Corinne Martinez